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NOTE
The term 'Britain' is used informally in the *Survey of Current Affairs* to mean the United Kingdom of Great Britain and Northern Ireland. 'Great Britain' comprises England, Wales and Scotland.

By-elections and State of the Parties

Details of the results of two recent parliamentary by-elections and the present state of the parties in the House of Commons are given below.

The Labour Party retained the seats at Paisley North and Paisley South in by-elections on 29 November. In Paisley North the Labour candidate, Mrs Irene Adams, won by a majority of 3,770 votes; in Paisley South the Labour candidate, Mr Gordon McMaster, won by a majority of 5,030 votes. The by-elections were caused by the death in September of Mr Allen Adams (the husband of Mrs Irene Adams), Labour MP for Paisley North, and the death in October of Mr Norman Buchan, Labour MP for Paisley South.

The results of the by-elections were:

Paisley North

I. Adams (Labour)	11,353
R. Mullin (Scottish National)	7,583
E. Marwick (Conservative)	3,835
J. Bannerman (Liberal Democrat)	2,139
D. Mellor (Green)	918

The Green Party candidate lost his deposit. Votes were cast by 54 per cent of the electorate.

At the general election in June 1987 (see p 187, 1987), the seat was held by the Labour Party, with Mr Adams polling 20,193 votes, followed by the Conservative candidate with 5,751, the Alliance candidate with 5,741 and the Scottish National candidate with 4,696. Votes were cast by 73 per cent of the electorate.

Paisley South

G. McMaster (Labour)	12,485
I. Lawson (Scottish National)	7,455
J. Workman (Conservative)	3,627
A. Reid (Liberal Democrat)	2,660
L. Collie (Green)	835

The Green Party candidate lost her deposit. Votes were cast by 55 per cent of the electorate.

At the general election in June 1987, the seat was held by the Labour Party, with Mr Buchan polling 21,611 votes, followed by the Alliance candidate with 5,826, the Conservative candidate with 5,644 and the Scottish National candidate with 5,398. Votes were cast by 75 per cent of the electorate.

State of the Parties

Following the by-elections, the state of the parties in the House of Commons is:

Conservative	370
Labour	227
Liberal Democrats	20
Social Democrats	3
Scottish National	5
Plaid Cymru (Welsh Nationalist)	3
Ulster Unionist (Northern Ireland)	9
Democratic Unionist (Northern Ireland)	3
Social Democratic and Labour (Northern Ireland)	3
Ulster Popular Unionist (Northern Ireland)	1
Sinn Fein (Northern Ireland)	1
Vacant seat (Ribble Valley)	1
TOTAL	646

The four remaining seats are held by the Speaker of the House of Commons and his three deputies (the Chairman of Ways and Means and the first and second Deputy Chairmen of Ways and Means), who do not vote except in their official capacity in the event of a tie. The government majority over all the other parties is 95 although the Sinn Fein MP has not taken his seat.

The New Prime Minister

The Rt Hon John Major, MP, succeeded the Rt Hon Margaret Thatcher, FRS, MP, as Britain's Prime Minister on 28 November.

Mr Major was formerly Chancellor of the Exchequer. His commission from the Queen to form a Government came on the day after he received more votes than either of the other candidates in the second ballot for the leadership of the Conservative Party and after the other two candidates announced that they would not continue to contest the election.

Mrs Thatcher had announced on 22 November that she intended to resign as Prime Minister once a new leader of the Conservative Party had been elected (see p 373). She tendered her resignation to

the Queen following the second ballot of the leadership election.

CONSERVATIVE LEADERSHIP ELECTION

Under Conservative Party rules an election for the leadership of the party is held annually within 28 days of the opening of each new session of Parliament or within six months of a general election. The election process involves up to three secret ballots of Conservative Members of Parliament. Candidates are proposed and seconded by Conservative MPs.

A candidate is elected on the first ballot if he or she receives both an overall majority of votes and 15 per cent more votes than any other candidate. Before the ballot Conservative constituency associations, Conservative peers and Conservative Members of the European Parliament are given an opportunity to make their views known.

If no winner emerges on the first ballot, a second one is held and nominations for the first are void. Candidates who did not stand in the first ballot may stand in the second. The winner of the second ballot is the candidate receiving more than 50 per cent of the votes. If there is no second ballot winner, a third ballot may be organised. The three candidates receiving the highest number of votes at the second ballot go forward to the final ballot where voters indicate their first and second choices. The candidate with the lowest number of first preferences is eliminated and the votes of those giving him or her as their first preference are distributed among the other two in accordance with their second preferences.

Once the result of the election has been declared, the winner is presented for confirmation as leader of the Conservative Party to a meeting of Conservative MPs and peers, adopted parliamentary candidates and members of the Executive Committee of the National Union of Conservative and Unionist Associations.

The Results

Two candidates stood for the first ballot, which was held on 20 November: Mrs Thatcher (party leader since 1975 and Prime Minister since 1979) and Mr Michael Heseltine, MP (Secretary of State for the Environment from 1979 to 1983 and Secretary of State for Defence from 1983 to 1986). The votes were cast as follows:

Mrs Thatcher	204
Mr Heseltine	152
Abstentions	16

After the result the Prime Minister issued the following statement on 22 November:

'Having consulted widely among colleagues, I have concluded that the unity of the Party and the prospects of victory in a general election would be better served if I stood down to enable Cabinet colleagues to enter the ballot for the leadership. I should like to thank all those in Cabinet and outside who have given me such dedicated support.'

In addition to Mr Heseltine, two further candidates were nominated for the second ballot: Mr Douglas Hurd (Secretary of State for Foreign and Commonwealth Affairs) and Mr Major.

The second ballot took place on 27 November. The votes were cast as follows:

Mr Major	185
Mr Heseltine	131
Mr Hurd	56

The majority obtained by Mr Major was two votes below the overall majority of 187 required for the election of a leader on the second ballot. However, following the announcement of the result, Mr Heseltine and Mr Hurd both stated publicly that they would not continue to contest the election. It was subsequently declared that there would be no third ballot and that Mr Major was elected leader of the Conservative Party. He was confirmed as leader at a party meeting on 4 December.

Ministerial Appointments

THE CABINET

The new Cabinet was announced on 28 November. The new appointments, with previous ministerial posts shown in brackets, are:

Lord Privy Seal and Leader of the House of Lords
Rt Hon The Lord Waddington of Read, QC (as the Rt Hon David Waddington, QC, MP, Secretary of State for the Home Department)

Secretary of State for the Home Department
Rt Hon Kenneth Baker, MP (Chancellor of the Duchy of Lancaster)

Chancellor of the Exchequer
Rt Hon Norman Lamont, MP (Chief Secretary to the Treasury)

Secretary of State for the Environment
Rt Hon Michael Heseltine, MP

Secretary of State for Transport
Rt Hon Malcolm Rifkind, QC, MP (Secretary of State for Scotland)

Chancellor of the Duchy of Lancaster
Rt Hon Christopher Patten, MP (Secretary of State for the Environment)

Secretary of State for Scotland
Rt Hon Ian Lang, MP (Minister of State at the Scottish Office)

Chief Secretary to the Treasury
Rt Hon David Mellor, QC, MP (Minister of State at the Privy Council Office)

CHANGES OUTSIDE THE CABINET

Other appointments (with previous ministerial posts in brackets) are:

Department of Education and Science
Parliamentary Under-Secretary of State and Minister for Sport
Mr Robert Atkins, MP (this post has been moved to the Department of Education and Science; Mr Atkins had the same responsibilities at the Department of the Environment)

Department of Energy
Parliamentary Under-Secretary of State
Mr David Heathcoat-Amory, MP (Parliamentary Under-Secretary of State at the Department of the Environment)

Department of the Environment
Minister of State
Sir George Young, MP (Comptroller of the Household – a Government Whip)

Parliamentary Under-Secretaries of State
Mr Antony Baldry, MP (Parliamentary Under-Secretary of State at the Department of Energy)
Mr Timothy Yeo, MP

Northern Ireland Office
Minister of State and Paymaster General
Rt Hon The Lord Belstead (Lord Privy Seal and Leader of the House of Lords)

Minister of State
Dr Brian Mawhinney, MP (Parliamentary Under-Secretary of State at the Northern Ireland Office)

Parliamentary Under-Secretary of State
Mr Jeremy Hanley, MP

Privy Council Office
Minister of State (Minister for the Arts)
Rt Hon Timothy Renton, MP (Parliamentary Secretary to the Treasury – Chief Whip)

Scottish Office
Parliamentary Under-Secretary of State
Mr Allan Stewart, MP

Department of Social Security
Parliamentary Under-Secretaries of State
Mr Michael Jack, MP
Miss Anne Widdecombe, MP

HM Treasury
Minister of State
Mrs Gillian Shephard, MP (Parliamentary Under-Secretary of State at the Department of Social Security)

Welsh Office
Parliamentary Under-Secretary of State
Mr Nicholas Bennett, MP

Her Majesty's Household (Whip's Office)
Parliamentary Secretary to the Treasury (Chief Whip)
Rt Hon Richard Ryder, OBE, MP (Paymaster General)

Comptroller of the Queen's Household
Mr David Lightbown, MP (Vice-Chamberlain of the Household)

Vice-Chamberlain of the Household
Mr John Taylor, MP (a Lord Commissioner of the Treasury)

Lord Commissioner of the Treasury (A Government Whip in the House of Commons)
Mr Nicholas Baker, MP (an Assistant Government Whip)

Assistant Government Whip in the House of Commons
Mr David Davis, MP

THE CABINET

Following the new appointments, the composition of the Cabinet is as follows:

Prime Minister, First Lord of the Treasury and Minister for the Civil Service
Rt Hon John Major, MP

Lord Chancellor
Rt Hon The Lord Mackay of Clashfern

Secretary of State for Foreign and Commonwealth Affairs
Rt Hon Douglas Hurd, CBE, MP

Lord Privy Seal and Leader of the House of Lords
Rt Hon The Lord Waddington of Read, QC

Secretary of State for the Home Department
Rt Hon Kenneth Baker, MP

Chancellor of the Exchequer
Rt Hon Norman Lamont, MP

Secretary of State for the Environment
Rt Hon Michael Heseltine, MP

Secretary of State for Defence
Rt Hon Tom King, MP

Secretary of State for Education and Science
Rt Hon Kenneth Clarke, QC, MP

Lord President of the Council and Leader of the House of Commons
Rt Hon John MacGregor, OBE, MP

Secretary of State for Transport
Rt Hon Malcolm Rifkind, QC, MP

Secretary of State for Energy
Rt Hon John Wakeham, MP

Secretary of State for Social Security
Rt Hon Antony Newton, OBE, MP

Chancellor of the Duchy of Lancaster
Rt Hon Christopher Patten, MP

Secretary of State for Northern Ireland
Rt Hon Peter Brooke, MP

Minister of Agriculture, Fisheries and Food
Rt Hon John Gummer, MP

Secretary of State for Employment
Rt Hon Michael Howard, QC, MP

Secretary of State for Wales
Rt Hon David Hunt, MBE, MP

Secretary of State for Trade and Industry
Rt Hon Peter Lilley, MP

Secretary of State for Health
Rt Hon William Waldegrave, MP

Secretary of State for Scotland
Rt Hon Ian Lang, MP

Chief Secretary to the Treasury
Rt Hon David Mellor, QC, MP

Resignations

The following ministers have tendered their resignations from the Government; their former posts are given in brackets:

Rt Hon Margaret Thatcher, FRS, MP (Prime Minister, First Lord of the Treasury and Minister for the Civil Service)

Rt Hon Cecil Parkinson, MP (Secretary of State for Transport)

Rt Hon John Cope, MP (Minister of State at the Northern Ireland Office)

Mr Michael Spicer, MP (Minister of State at the Department of the Environment)

Mr Ian Grist, MP (Parliamentary Under-Secretary of State at the Welsh Office)

The Lord Skelmersdale (Parliamentary Under-Secretary of State at the Northern Ireland Office)

For a full list of government ministers see COI fact sheet *United Kingdom Government Ministers*, No 61/90/3.

Women in the Civil Service

The latest government report charting women's progress in the Civil Service shows that good equal-opportunity practice is continuing to spread within government departments and executive agencies. During 1989 there were significant increases in part-time working and job-sharing, provision of childcare facilities and action to ensure equality of opportunity in career development.

In 1984 the Civil Service introduced a programme of action to achieve equal opportunities for women in the Civil Service (see pp 111-13, 1984). Progress in implementing it is monitored by the Office of the Minister for the Civil Service. The programme provides for working practices which enable staff to combine a career with other responsibilities, thereby helping to improve staff stability, development and retention. It also stresses the need to ensure that women enjoy equality of access to jobs at every level. In this way managers can be sure that they are making the best use of available staff. Progress reports on the implementation of the programme were published in 1988 and 1989 (see p 251, 1988, and pp 303-4, 1989).

The latest report,[1] published on 22 November, says that the Civil Service and the public it serves will benefit from the programme, which, by meeting people's differing career needs, will help departments (including executive agencies – see p 375) to secure and retain trained staff in the more restricted labour market projected for the 1990s (see p 470, 1989).

Employment Patterns

Recruitment

The report notes that in 1988-89, 56 per cent of all new entrants to the non-industrial home Civil Service were women, a higher percentage than that for women in the workforce as a whole. Some 46 per cent of new entrants to the junior- to middle-ranking Executive Officer grade were women, and in the 1989 competition for the administrative fast-stream entry grade, 43 per cent of successful candidates were female, compared with 32 per cent in 1988.

Grade Levels

The steady growth in the proportions of women employed at middle and senior management grades has continued. In 1989, 17 per cent of Higher Executive Officers were female (compared with 16 per cent in 1988), 10 per cent of Senior Executive Officers (9 per cent in 1988), 11 per cent at Grade 7 (10 per cent in 1988), 10 per cent at Grade 6 (the same as in 1988), 10 per cent at Grade 5 (9 per cent in 1988) and 4 per cent at Grade 4 (the same as in the previous year).

Although these improvements have yet to feed through to the top three grades of the Service (Grades 1 to 3), there have been some notable appointments to senior posts. The first female chief executive of an agency was appointed to the Civil Service College in 1989. Also, provisional figures for promotions for 1989 show that over 7 per cent of all those promoted to Grades 2 and 3 were women, compared with under 6 per cent in 1988.

Promotion and Resignations

The relatively low proportion of women at senior grades has arisen as a result of both lower promotion rates (see below) and higher resignation rates among women staff at more junior levels. Every year a higher number and proportion of women resign than men. However, while differences in resignation rates can be seen at all levels, they have narrowed in recent years: in 1988-89, 61 per cent of resignations were from women, compared with 74 per cent in 1982-83.

Part-time Working and Job-sharing

The Government has taken steps to encourage the development of part-time working and job-sharing.

[1] *Equal Opportunities for Women in the Civil Service: Progress Report 1990*. Cabinet Office (Office of the Minister for the Civil Service). HMSO, £2·50. ISBN 0 11 430049 6.

It has published case studies of staff working part-time and job-sharing, and the Treasury has issued new guidelines on part-time working. In most respects, staff working fewer than 15 hours a week are now employed on the same terms and conditions as full-time staff.

Opportunities for part-time working and job-sharing increased during 1989-90 at all grades up to and including Grade 3. On 1 April 1989, 11·5 per cent of women staff worked part-time compared with under 5 per cent in 1984. Recently, the Department of the Environment appointed the first woman to work part-time at Grade 3 level and the Department of Energy has appointed the first job-sharers at Grade 5. The percentage of men working part-time increased from 0·4 per cent in 1984 to 1 per cent in 1989.

Reinstatement

More women than men return to the Civil Service through reinstatement. In 1988-89 over 6 per cent of female entrants were being reinstated, compared with under 2 per cent of male entrants. To encourage reinstatement, departments have established formal 'keeping-in-touch' arrangements for staff resigning for domestic reasons. By January 1990, 21 departments had set up such schemes, and 18 had career-break schemes based on unpaid leave.

Sexual Harassment

Departments are required to ensure that staff are aware that sexual harassment at work is not tolerated and of procedures for dealing with complaints. By January 1990, 29 departments had issued specific policy statements and guidance on sexual harassment, and ten had nominated women contact officers.

Maternity and Paternity Leave

Paid maternity leave provision has been increased from 13 to 14 weeks and a new entitlement of two days' paternity leave has been introduced. Civil Service maternity leave and special leave rules now make it possible to take 48 weeks' maternity leave, including 14 on full pay, followed by up to five years' unpaid leave.

Childcare

The 1984 programme of action recognised that lack of childcare facilities was a barrier to women's employment. It recommended that departments should consider proposals for day care schemes and, in particular, encourage and offer practical help in organising holiday playschemes. Staff from the Office of the Minister for the Civil Service work with departments in developing childcare provision. Departments are allowed to support childcare schemes where value for money can be demonstrated. Two new guides have been published on holiday playschemes and nurseries, and seminars are conducted on setting them up. Two departments have established schemes for supplying parents with information about suitable local childminders.

Holiday Playschemes and Nurseries

By the end of 1989 there were 33 holiday playschemes in operation, compared with 15 in 1988, providing good-quality, affordable care for school-aged children during the school holidays.

The first Civil Service nursery was opened at the Department of Social Security's local office in Hertford in February 1990. Since then four more have started up and three others are expected to open before the end of 1990. Feasibility studies are being carried out in a further 25 locations, and the Office of the Minister for the Civil Service is studying the possibility of establishing nurseries in and around London.

Departments are encouraged to join in partnership with one another and with other local employers to provide childcare facilities. In July 1989 the Government signed a statement of intent to develop shared childcare facilities with the Midland Bank; the Civil Service has had places at the Bank's nursery in Sheffield since January 1990.

Career Development

Promotion Procedures

Women are still concentrated in the lower layers of the Civil Service as a result of higher resignation rates (see above) and lower promotion rates among women up to Senior Executive Officer level. Several factors contribute to the lower promotion rates of women, including the attitude of promotion board members, the use of long seniority requirements at the initial stage of the promotion process and the relative scarcity of women on some promotion boards.

Departments now provide training and guidance for promotion board members on avoiding discrimination. New guidance has been issued encouraging departments to avoid the use of seniority in selecting candidates wherever possible. Departments have been successful in recruiting women as promotion board members for the more junior grades, but there are still problems in finding women qualified to serve on boards for more senior and specialist staff.

Allocation of Duties

The report says that the range of work available to staff is vital to career development, but evidence suggests that certain areas of work are deemed by both men and women as being not suitable for women. Hence, the report recommends that allocation of duties needs to be carefully monitored.

Training

Access to training is another important factor in career development and departments are recommended to ensure that staff with domestic responsibilities have access to training. In 1989, 21 departments ran women-only management development training courses, compared with eight in 1987. In addition, a group of departments is taking steps to meet the needs of staff with domestic responsibilities. For example, they are introducing an interdepartmental approach to training for junior managers, reducing the time that participants have to spend away from home and giving them the chance to be with others in a similar position. The group is also developing re-entry training for people returning from career breaks.

The report says that it is especially important that women should participate in departmental manage-

ment development programmes. Although they comprise less than 11 per cent of staff in Grades 4 to 7, nearly 18 per cent of staff in the senior management development programme for these grades are women.

Criminal Justice Bill

The Government's new Criminal Justice Bill – applicable to England and Wales – received its second reading in the House of Commons on 20 November.

The bulk of the Bill is designed to implement proposals set out in a White Paper published early in 1990 (see pp 53-9). It seeks to ensure that offenders are punished according to the seriousness of their crimes and that the public are properly protected against violent crime. It is also designed to provide a greater range of non-custodial punishments in the community. Other provisions reform the system of parole and early release from custody; allow for contracting out of court escort work and the operation of remand centres to the private sector; and make changes in the law of evidence and court procedure relating to child witnesses.[1]

MAIN PROVISIONS

Powers of the Courts

Custodial Sentences

The first two clauses set out the grounds on which a custodial sentence can be imposed where a person is convicted of an offence. These provisions do not apply in cases where the sentence for the offence is fixed by law or if the offence is triable only by jury in the Crown Court and a sentence of imprisonment has been previously passed on the offender by any criminal court. Under these clauses the court would not be able to pass a custodial sentence unless the offence was so serious that only custody could be justified or if custody was necessary to protect the public from a violent or sexual offender. If a custodial sentence was passed, the court would have to give its reasons. In the case of a sentence of imprisonment passed by the Crown Court for a violent or sexual offence, the court would be able to pass a longer sentence (within the maximum fixed by law) in order to protect the public from serious harm from the offender. Before passing a custodial sentence, the court would have to consider a presentence report on the offender submitted by the probation service or a social worker, to obtain and consider information about the circumstances of the case and to take into account information about the offender's physical and mental condition.

The Bill re-enacts the power of a court to pass a suspended sentence of imprisonment but abolishes the partly suspended sentence.

The Government proposes to reduce the maximum term of imprisonment for theft from ten years to seven years and for burglary from 14 years to ten years; the 14 years maximum term would be retained in cases of burglary affecting a dwelling.

Community Sentences

The Bill provides for a number of community sentences, some of which are already used by the courts. They include a probation order, a community service order, a combined probation and community service order, a curfew order, a supervision order and an attendance centre order (see p 412). The maximum number of hours of unpaid community service which may be imposed on a 16-year-old offender is to be increased from 120 to 240 hours. Courts would also be able to impose a curfew order requiring an offender to remain, for certain periods, at a specified place; enforcement would be assisted by electronic monitoring of the offender's whereabouts. The new combination order would allow the court to mix elements of probation supervision and community service.

Powers are conferred on the Home Secretary to make rules governing the supervision of offenders under probation and combination orders and the work carried out by offenders subject to community service or combination orders. The Home Secretary would also be responsible for drawing up rules on the monitoring of curfew orders.

Fines

The proposed legislation is also designed to encourage magistrates' courts to make more effective use of financial penalties. Under the Bill fines would be assessed in units according to the seriousness of the offence; these units would then be converted into sums of money related to the offender's disposable weekly income. The court would be empowered to require offenders to supply statements about their income; it would be an offence either to refuse to provide such a statement or to provide false information. Any period of imprisonment imposed in default of payment of a unit fine would be related to the number of units rather than the amount of the fine.

Early Release of Prisoners

The Bill replaces the current system of parole and remission of sentence with new arrangements for the early release of prisoners (see p 412) and for their supervision after release.

Short-term prisoners (those serving less than four years) would be released once they had served half their sentence. If the sentence was less than twelve months, the prisoner would be released unconditionally. Other short-term prisoners would be supervised by the probation service on early release; this period would last until three-quarters of the sentence had expired.

Long-term prisoners – those serving four years or more – would be released after serving two-thirds of their sentence and would be supervised by the probation service on the same basis as short-term prisoners.

Any time spent in custody on remand awaiting trial would count towards the period when the prisoner became eligible for early release.

Under the Bill a long-term prisoner could be released by the Home Secretary on parole after serving half the sentence if this was recommended

[1] Information about the current sentences available to courts is contained in *The Sentence of the Court: A Handbook for Courts on the Treatment of Offenders*. HMSO, £4·25. ISBN 0 11 340985 0.

by the Parole Board. Provision is made for the continuation of present arrangements for the release on licence of prisoners serving sentences of life imprisonment. A recommendation for release must be made by the Parole Board before the Home Secretary can consider such action in consultation with the Lord Chief Justice and with the trial judge if available.

The Home Secretary is empowered to release a prisoner on licence on compassionate grounds.

As under the present system, a prisoner could be recalled to prison if conditions set out in the licence are breached. A court could reactivate all or part of the remaining portion of a custodial sentence where a prisoner on early release was convicted of another offence committed before the expiry of the original term.

Children and Young People

The Bill reforms the law on evidence given in court by children and on the responsibilities of parents or guardians whose children appear before the criminal courts.

Law on Evidence

All children under the age of 14 would give evidence unsworn and the presumption that a young child was not competent to give evidence would be abolished.

Committal proceedings in magistrates' courts would be bypassed in cases where the alleged victim of violence or a sexual offence was a child. 'Child' would mean someone under 14 if the offence involved violence or under 17 if the offence was sexual.

Under the Bill a video-recording of an interview with a child witness about a violent or sexual offence could be used in the Crown Court or a youth court as the child's main evidence, subject to certain conditions, such as the availability of the child for cross examination by means of a live television link.

Clause 45 raises from 14 to 17 the upper age limit for a child witness to give evidence by live television link in the case of a sexual offence. It also says that defendants charged with violent or sexual offences involving children should not be allowed to cross examine in person the alleged victim.

Parental Responsibility

The Bill replaces the court's power to require the attendance of a parent or guardian at proceedings involving their children aged under 16; in future the parents would have a duty to do so unless it would be unreasonable.

The arrangements for the payment of financial penalties imposed on offenders under 18 would be reformed by the Bill. It gives courts a power to require the parents of 16- and 17-year-olds to pay their children's fines.

Courts' powers to require the parents of offenders under 18 to take proper care of, and exercise control over, their children are being strengthened. It empowers courts to fine those who refuse unreasonably to do so.

Sentencing

The Bill abolishes the sentence of detention in a young offender institution for boys aged 14. It also harmonises the minimum periods of detention which may be ordered for boys and girls (two months for those under 18). In addition, it extends the provision of custodial sentences on young offenders to 17-year-olds. In future, 17-year-olds would be treated as young persons rather than adults.

Young offenders would be supervised after release for a minimum period of three months unless they reached the age of 22 before then.

Clause 53 renames juvenile courts as youth courts.

Provision of Criminal Justice Services

The Bill makes changes to the provision of certain services such as the probation service, security in magistrates' courts, prisoner escorting and the operation of remand prisons for alleged offenders awaiting trial.

Probation

Under clause 55, Her Majesty's Inspectorate of Probation would be established on a statutory basis. It would inspect and report to the Home Secretary on the probation service in each area and on the activities carried out by, or on behalf of, that service.

Court Security

The Bill provides for the appointment of court security officers to maintain order in magistrates' courts. It would be an offence to assault, resist or wilfully obstruct a court security officer.

Clause 61 would enable the Home Secretary to make arrangements for the escorting of prisoners to be carried out by contracted-out prisoner custody officers instead of prison staff. These would be monitored by a Crown servant (the prison escort monitor) reporting to the Home Secretary. There would also be a panel of lay observers to inspect the conditions in which prisoners were transported. The prison escort monitor would also investigate any allegations made against prison custody officers.

Remand Centres

The Bill empowers the Home Secretary to contract out the running of any prison for remand prisoners established after the legislation enters into force. Each contracted-out prison would have a director, who would be a prison custody officer, and a controller, who would be appointed by the Home Secretary. The controller would keep under review, and report to the Home Secretary on, the running of the prison by the director. A contracted-out prison would be staffed by prisoner custody officers, who would be certificated by the Home Secretary.

PARLIAMENTARY DEBATE

Home Secretary's Speech

Introducing the Bill (*Hansard*, Vol 181, No 10, cols 139-236), the then Home Secretary, Mr David Waddington, said that the Bill created a more coherent statutory framework for sentencing based on the seriousness of the offence committed. The Government expected the Bill to lead to a fall in the use of imprisonment and a drop in the prison population. Although this was to be welcomed, the Bill was not a measure designed to achieve some artificial short-

term reduction in prison numbers at the expense of proper protection for the public. For the most serious offenders a long prison sentence would often be required. The Bill confirmed the appropriateness of heavy sentences where the public could be at risk from violent and sexual offenders.

Community Penalties

Mr Waddington pointed out that penalties which kept the offender in the community could often be better for offences of a less serious nature, particularly where violence was not involved. There would be a wider range of community penalties and combinations of them that could make tough demands on offenders and which would be an adequate response to criminal behaviour. Moreover, despite the good work done in prisons, less experienced offenders had contacts with the more experienced and came out of prison far worse than when they went in. A community sentence made the offender face up to his or her crime and could often make greater demands on the offender than a prison sentence.

Turning to the proposed curfew order, Mr Waddington said that it could play a useful part in keeping offenders out of trouble by preventing them from mixing with criminal associates on a Saturday night and drifting back into crime.

Early Release from Prison

Mr Waddington said that the Bill introduced a radical reform of the arrangements for granting parole and remission of parts of prison sentences. At present, these were not satisfactory since the interaction of the minimum qualifying period for parole and remission (see pp 410-11) could lead to prisoners who had been given different terms of imprisonment serving the same time. Prisoners sentenced to 12, 15 and 18 months' imprisonment could all be released after six months under the present system; the first would be released with automatic half remission, the second would qualify for parole after six months and the third would become eligible for parole at the one-third point in the sentence. The Bill, therefore, intended to make the sentence served relate more closely to the sentence passed.

On the parole scheme, Mr Waddington said that for those prisoners serving four years or more, the primary consideration in deciding whether parole should be granted was risk to the public. The Parole Board would continue to consider the cases of prisoners eligible for parole under the new arrangements and the Bill would make it possible for the Home Secretary to delegate to the Board the final decision on specified cases. The Government intended to delegate this responsibility to the Board in cases where the prisoner was serving a term of less than seven years.

Child Witnesses

Noting that children could suffer greatly as a result of having to give evidence in criminal trials, Mr Waddington pointed out that there were also a number of obstacles to the proper consideration of their evidence. Present technical rules about the competence of witnesses meant that children who had been abused, or witnessed abuse, could not tell their story to a jury. The Government believed that these rules should be swept away and that the age and maturity of the child should affect the weight placed upon the evidence.

The Government had no intention of tampering with the rules against hearsay evidence that prevented people who had interviewed a child from repeating to the court what the child had told them. The issue was whether video-recordings of interviews with the child should be allowed in evidence. The Government believed that they should be shown to the jury as the child's evidence, subject to the judge being able to rule against the admission of any evidence if it did injustice to the accused. The child's evidence had to be properly tested and the defendant's right to a fair trial properly safeguarded. The Bill therefore provided that cross examination could take place at the trial by the defendant's lawyer and that the power in the 1988 Criminal Justice Act to enable the child to answer questions through a video link from outside the courtroom should be preserved.

Parental Responsibility

Mr Waddington said that parents had a key role to play in instilling in their children a sense of right and wrong. The Bill placed a duty on the courts to require the attendance of a parent or guardian unless it would be unreasonable to do so. Although parents of children under the age of 16 were normally responsible for the payment of any fine or compensation order imposed by the court, the Bill made it clear that the courts would in future have to take account of the parents' means and not only those of the child.

Role of the Private Sector

The Bill, continued Mr Waddington, gave effect to the Government's proposals for involving the private sector in the operation of the remand system for offenders awaiting trial. Power was being taken to contract out court escort work and to put out to tender the running of new remand centres. If the proposals were accepted by Parliament, competitive tenders would be invited for the operation of the new centre being built at Everthorpe in Humberside. Any private sector involvement would be closely supervised in the case of escort duties by a government official called the monitor and by a panel of lay observers. The contracted-out remand centre would have a government-appointed controller, who would be responsible for disciplinary hearings and the application to prisoners of any other special control or restraint.

Opposition Views

The official Opposition spokesman, Mr Roy Hattersley, said that violent and sexual crimes merited a prison sentence but that many other crimes should not carry one. Commenting on the problem of discrepancies in sentencing, he proposed a sentencing council to give courts advice on the range, extent and type of sentence that they should award. This was essential if the right balance was to be struck between prison and non-custodial sentences. Prison had to be the sentence of last resort and the sentencing council could help to make it so.

Mr Hattersley said that prisoners on remand accounted for about a fifth of the prison population and that the Bill made no attempt to tackle this

problem. The Opposition would be proposing the creation of a court inspectorate to examine and report on the system and the way in which individual courts performed.

The Opposition supported the emphasis given by the Bill to community penalties and hoped that encouragement would be given to a combination of the fine and community service. On the probation service, Mr Hattersley said that its role was not the administration of punishment but assisting the courts and offenders in creative ways.

Mr Hattersley supported the proposed changes on the rules of evidence regarding child witnesses and the requirement that courts should give a reason for awarding a custodial sentence. He also favoured fines based on ability to pay.

On early release of prisoners, Mr Hattersley believed that there was much to be said for the Bill's proposals although there could be difficulties if they were not accompanied by parallel reductions in the length of prison sentences.

The Opposition opposed the privatisation of court escort duties and new remand centres.

Concluding, Mr Hattersley said that, although the Bill had objectionable features and was confused and contradictory, it also contained the seeds of sensible reform in some areas. The Opposition would do its best to improve it during the committee stage.

The spokesman for the Liberal Democrats, Mr Robert Maclennan, said that the Bill would move the country closer to a society less dependent on custodial sentencing as the normal response to crime. He supported the idea of a sentencing council to help judges while not supplanting them.

Mr Maclennan said that the success or otherwise of the Bill would be judged by whether it would reduce crime. The single most important step that the Government could take would be to strengthen youth crime prevention programmes.

Northern Ireland

A statement setting out the Government's security policy in Northern Ireland was published on 8 November. Legislation re-enacting all the anti-terrorism provisions applying exclusively to Northern Ireland received its second reading in the House of Commons on 19 November; it was approved by 234 votes to 113.

GOVERNMENT SECURITY POLICY

The Government's statement points out that Northern Ireland is part of Britain because that is the will of the majority of people living there. The Government's aims are to:

– maintain the rule of law;

– ensure that all the people of Northern Ireland are able to express their political opinions without inhibition, fear of discrimination or reprisal;

– defend the democratically expressed wishes of the people against those trying to promote political objectives by violence or the threat of violence; and

– create the conditions for a just, peaceful and prosperous society in which local people exercise greater control over their own affairs.

In order to eradicate terrorism the Government will:

– ensure that the police, supported by the armed forces, have the resources that they need to undertake their work;

– provide a legal framework within which the security services can act to defeat terrorism;

– co-operate closely on security with the Irish Republic; and

– seek to isolate the terrorists from the communities within which they operate.

In addition, the Government will implement effective measures in the political, social and economic field in order to promote equality of treatment, economic well-being and stable democratic institutions.

The statement stresses the need to defeat terrorism through the even-handed and energetic enforcement of the criminal law. The police will continue to be primarily responsible for the prevention and investigation of terrorist and all other forms of crime. They will also secure evidence for the prosecution of crime. The armed forces will act in support of the police only where and when the security situation makes it necessary.

Anti-terrorism legislation will be kept under review to ensure that it is appropriate to the prevailing security threat. It will continue to strike a balance between providing the police and the armed forces with the legal means that they need to protect the community effectively while at the same time providing appropriate safeguards for individuals. The statement adds: 'When the need for a particular provision no longer exists, it will be repealed or allowed to lapse, as a step towards greater reliance on the ordinary criminal law.'

The police and armed forces will continue to be governed by the legal principle of using only such force as is reasonable in preventing crime and arresting offenders. Their members, like all other citizens, will continue to be subject to the law. If they break the law, they are liable to prosecution. Any activity or action falling short of the highest standards of behaviour expected from police officers and members of the armed forces will never be condoned, the statement concludes.

EMERGENCY POWERS

Lord Colville's Review

The operation of the emergency legislation in Northern Ireland has been reviewed by Lord Colville of Culross, QC. His report was published in July 1990.[1] His principal conclusions were that:

– the main emergency provisions remained necessary;

[1] *Review of the Northern Ireland (Emergency Provision) Acts 1978 and 1987.* Cm 1115. HMSO, £8. ISBN 0 10 111132 0.

– it would not be safe to return to jury trial for terrorist-type offences because of the possible intimidation of jurors;

– a new offence should be created which would relate to the possession of ordinary or household items in circumstances indicating their use for terrorist purposes;

– an enabling power should be enacted to allow statutory codes of practice on the emergency powers;

– the Government should look at ways of improving confidence in the police and Army complaints system, and consider including the appointment of an ombudsman-type figure;

– the provisions on executive detention (internment) should not be re-enacted; and

– interviews with terrorist suspects in police custody should be recorded on video.

NORTHERN IRELAND (EMERGENCY PROVISIONS) BILL

The Northern Ireland (Emergency Provisions) Bill seeks to re-enact previous anti-terrorism legislation and to incorporate in one piece of legislation all the anti-terrorism provisions applying exclusively to Northern Ireland.

The current legislation expires in May 1992. The Bill incorporates some of the recommendations of Lord Colville.

Main Provisions

Court Proceedings

The Bill makes provision for trials for terrorist-type offences to be conducted by the court without a jury because of the possibility of intimidation of jurors. Under the Bill, bail for such offences would only be granted by the High Court or the Court of Appeal. There would be special rules on the admissibility of confessions and for reversing the onus of proof in relation to offences of possession of firearms and explosives. The Bill also incorporates 1989 legislation on the granting of remission for prisoners convicted of terrorist-type offences (see p 406, 1988).

The Security Forces

The second part of the Bill replaces and amends earlier legislation regarding the powers of the police and the armed forces. Powers are conferred on them to enter premises without warrant in order to search for munitions, radio transmitters or receivers and to arrest terrorists. The Bill provides the security forces with powers of arrest and seizure; powers to stop and question and to search people in public places; and powers of entry and interference with rights of property and with roads. It creates a new offence of bypassing closed border crossing points. There is a new power to allow the security forces to examine documents and other recorded data.

Proscribed Organisations

As with the previous legislation, the Bill contains powers to proscribe organisations and sets out offences relating to membership and support for such organisations. It also creates offences relating to the unlawful collection of information likely to be useful to terrorists, the training in the making or use of firearms and explosives, and the wearing in public places of hoods, masks or other articles to conceal identity. There is a new offence of possession of items intended for terrorist purposes.

Other Provisions

The Bill re-enacts the power of executive detention with no substantive amendment. It also makes provision for the regulation of security guard companies in Northern Ireland.

The sixth part of the Bill replaces without amendment previous legislation on arrest and detention; under this there are statutory rights for persons arrested and detained under the emergency legislation to have a person informed of their arrest and whereabouts and to have access to legal advice. It makes new provision to widen the grounds on which the police may take fingerprints without consent from terrorist suspects in line with the law in the rest of Britain.

The Bill contains a new power to enable the Secretary of State for Northern Ireland to draw up codes of practice governing the exercise of the emergency powers by the police and armed forces. It also provides for the payment of compensation in respect of any property taken, occupied, destroyed or damaged by members of the security forces. Other provisions state that a prosecution for any offence under the Bill should be instituted only by, or with the consent of, the Northern Ireland Director of Public Prosecutions.

PARLIAMENTARY DEBATE

Secretary of State's Speech

Introducing the Bill (*Hansard,* Vol 181, No 9, cols 23-110), the Secretary of State for Northern Ireland, Mr Peter Brooke, pointed out that 71 people had died in Northern Ireland alone in 1990 as a result of the present security situation. They were mostly civilians, but the total included 11 members of the Royal Ulster Constabulary and 15 members of the armed forces, including eight from the Ulster Defence Regiment.

Rule of Law

The Government, Mr Brooke emphasised, sought to maintain the rule of law and had a duty to ensure that all the people of Northern Ireland were free to express their political opinions without inhibition, fear of discrimination or reprisal. It also had to defend the democratically expressed wishes of the people against those who sought to promote political objectives by terror.

The response to terrorism had, as far as possible, to be based on the ordinary criminal law. Suspects would be treated as innocent until proved guilty. They would be prosecuted on the basis of proper evidence adduced in open court and tested to proper standards, and witnesses for and against the accused would be produced for open examination. If found guilty, they would be punished for those crimes in a way that ensured that justice was done and seen to be done. 'This reflects the deep truth that terrorist methods, whatever their purported objectives, are simply criminal – and should be tried as such.'

Nevertheless, successive British governments

had recognised that some modifications of the ordinary law were needed to deal with the terrorist emergency in Northern Ireland. A permanent balance had to be struck between, on the one hand, maintaining the ordinary procedures of the criminal law, along with effective procedures to guarantee individual rights and liberties, and, on the other hand, allowing such departures as were strictly necessary to confront and defeat the special character of the terrorist challenge.

Offences

Dealing with some of the new or otherwise prominent provisions of the Bill, Mr Brooke said that executive detention would be retained, since the Government was 'determined to keep available a comprehensive range of responses to terrorist violence'. Although there were no current plans to exercise the power, the outright repeal of the provision would be mistaken; if the power were to be deployed, it would need to be used quickly without giving terrorists advance warning.

The Bill, Mr Brooke pointed out, contained a new offence of possession of items intended for terrorist purposes. This would assist in bringing prosecutions against those who were responsible for acquiring, storing and using the equipment on which the terrorist campaign depended, as well as those intent on using it themselves.

Mr Brooke said that under the 1978 Act it was an offence to collect information about members of the judiciary, the police, the armed forces and the prison service which would be useful to terrorists. The Bill would give new powers to the security forces to look explicitly for such information. Searches under the new power 'would be limited to the extent reasonably required for ascertaining whether information likely to be useful to terrorists was present'. Law-abiding members of the public would have nothing to fear, since the decision to prosecute in the case of the new offence would be taken by the independent Director of Public Prosecutions. The exercise of the new power of examination would be determined by joint operational directives issued by the police and the armed forces.

Turning to other provisions of the Bill, Mr Brooke said that the illegal reopening or bypassing of closed border crossings could present 'the most serious risk in security terms', since it could allow terrorists to move weapons or explosives across the border or to mount attacks. A new offence had therefore been inserted in the Bill relating to the bypassing of closed border crossings. This would reinforce the offence in the current legislation of interfering with closed crossing points. There would also be a new power to enable members of the armed forces to seize equipment used in the illegal reopening or bypassing of such crossings.

Codes of Practice

In July 1990 the Government had published a non-statutory guide to the exercise by the security forces of certain powers under the emergency legislation. Lord Colville, said Mr Brooke, had recommended that an alternative approach would be to have statutory codes of practice and that there should be an enabling power in case the non-statutory guide proved inadequate. The Government accepted this recommendation and such powers were therefore in the Bill.

Conclusion

Concluding, Mr Brooke said that the Bill was not the only weapon in the armoury against terrorism. The Government would continue to co-operate with the Government of the Irish Republic and to promote equality of treatment, economic prosperity and stable democratic institutions. He added: 'The Government treat with the utmost seriousness their duty to defend all the people of Northern Ireland . . . against those who try to promote their political objectives, including a change in the status of Northern Ireland, by violence or the threat of violence. We shall continue our efforts, taking whatever measures are necessary within the law . . . until terrorism is eradicated in Northern Ireland.'

Opposition Views

Speaking for the official Opposition, Mr Kevin McNamara did not dispute the need in principle for emergency legislation, since the murderous assaults of paramilitary groups could never be allowed to win the day. The Opposition believed that terrorism was best met by a firm application of the rule of law, which distinguished the forces of the state from those of violent subversives. It was against parts of the Bill, especially that relating to executive detention, which could no longer remain on the statute book. In addition, the Government had rejected many of Lord Colville's recommendations, such as the video-recording of police interviews with terrorist suspects.

Mr McNamara said that the Bill proposed new laws which were extraordinarily broad and potentially very repressive. The new provision (clause 29) on possession of articles connected with the commission or preparation of terrorist acts was a departure from the principles of fairness characterising the rule of law. The mere fact of 'reasonable suspicion' was enough to convict without the need to prove terrorist involvement. This clause would cause far more damage than it would prevent.

The Opposition, said Mr McNamara, was concerned about the Government's persistent derogation from the European Court of Human Rights judgment that seven days' detention without charge was a violation of fundamental rights and freedoms. The Government had also failed to address the questions and concerns raised by deaths caused by the security forces when on duty.

Speaking for the Liberal Democrats, Mr Alex Carlile recognised the continuing need for emergency provisions and for most of the Bill's new measures. However, he opposed executive detention, which had been rejected by Lord Colville. He also supported the idea of video-taping interviews between the police and terrorist suspects, which would remove controversy surrounding disputed confessions. He opposed clause 29.

Views of Northern Ireland Parties

The Official Unionist spokesman, Mr Ken Maginnis, welcomed the Bill and stressed the need to make the role of the security forces more effective and to provide them with more protection. Internment was still required as a power because only a tenth of IRA

(Irish Republican Army) terrorists were brought to justice before the courts.

The Democratic Unionist leader, The Revd Ian Paisley, said that everyone in Northern Ireland had to sacrifice some civil liberties to deal with terrorist killers. The Government had to take effective measures to defeat terrorism, and an alternative to the Anglo-Irish Agreement was required to guarantee peace and stability once the IRA was defeated.

Speaking for the Social and Democratic Labour Party, Mr Seamus Mallon said that, although there was a need for adequate legislation, there was also an absolute requirement to ensure that ordinary, normal law was used whenever possible. Normality and a stable society were the things that terrorist organisations feared most.

Government Reply

Concluding for the Government, the then Minister of State at the Northern Ireland Office, Mr John Cope, said that the Bill would make a contribution to the defeat of terrorism. Extra powers were required because paramilitary organisations used ruthless terror to silence witnesses, to negate juries and to threaten the life and work of police officers, judges and others engaged in maintaining the rule of the law. The Bill's provisions would be subject to annual renewal by both Houses of Parliament and it would have a fixed five-year life.

Commenting on executive detention, Mr Cope said that under the existing law an order to introduce detention would require affirmation by both Houses of Parliament within 40 sitting days. The Government intended to preserve this provision, thereby allowing Parliament the opportunity to discuss the issue once the power to detain had been used.

On the question of the video-recording of interviews with terrorist suspects, Mr Cope said that this would seriously inhibit the willingness of these people to co-operate with the police in the interview. Because of the nature of paramilitary organisations, their members were not free agents and were subject to tight discipline designed to prevent the disclosure to the police of any information that could assist in the prevention of terrorist attacks. Neither the police nor the suspect could be certain that a video recording would not get into the hands of a terrorist organisation, thereby providing a powerful deterrent to a suspect wishing to offer assistance to the police.

Concluding, Mr Cope said: 'Without powers such as those contained in the Bill, neither the courts, the police nor any aspect of law enforcement could work and the public could not be protected.'

European Security and Co-operation

At the end of a summit meeting, which took place in Paris between 19 and 21 November, Britain signed with the other 33 governments participating in the Conference on Security and Co-operation in Europe a document containing commitments to democracy, the rule of law and human and economic rights.

Earlier, on 19 November, a treaty was signed by the 22 countries of the North Atlantic Treaty Organisation and the Warsaw Pact committing them to reductions in their conventional forces in Europe within 40 months. In addition, they signed a declaration on friendly relations, in which they said that they were no longer adversaries.

Background

Following a British initiative, the North Atlantic Treaty Organisation (NATO) proposed in 1986 that negotiations should commence, under the auspices of the Conference on Security and Co-operation in Europe (CSCE), which would cover:

1 further confidence- and security-building measures; and

2 stability in conventional weapons and equipment in the whole of Europe from the Atlantic to the Urals.

Two sets of negotiations on these questions began in March 1989 after an agreement was reached at the Vienna CSCE Review Conference in January 1989 (see pp 43-9, 1989).

The first negotiation, built upon the results of the 1986 Stockholm Conference (see pp 317-19, 1986) and involving all CSCE states,[1] sought agreement on a new set of mutually complementary confidence- and security-building measures. The second involved only members of NATO and the Warsaw Pact, and aimed to:

– establish a stable and secure balance of conventional armed forces and equipment at lower levels;

– eliminate disparities in equipment strengths between the two alliances; and

– eliminate the capacity for launching a surprise attack and for initiating large-scale offensive action.

At the Malta summit in December 1989, the United States accepted a Soviet proposal for a meeting of CSCE nations at which an agreement limiting conventional arms in Europe would be signed (see p 453, 1989).

British Views

Reporting to the House of Commons on 21 November (*Hansard*, Vol 181, No 11, cols 291-2), the then Prime Minister, Mrs Margaret Thatcher, said that the Paris summit was a historic gathering marking 'the end of the cold war in Europe and the triumph of democracy, freedom and the rule of law'.

The Conventional Armed Forces in Europe (CFE) Treaty, Mrs Thatcher said, was 'the most substantial and far-reaching agreement for the reduction of armaments' yet achieved. It required the countries of the Warsaw Pact and in particular the Soviet Union to make massive reductions in the numbers of their tanks, artillery, armoured vehicles, helicopters and aircraft. 'The overhang of vastly superior numbers of Warsaw Pact forces, which has for long been a threat to Western Europe, will be eliminated', she explained. 'There will in future be broad parity in forces between East and West. The Soviet capacity to launch a surprise attack and large-scale offensive action will also be removed.' The treaty also had very extensive verification provisions, she added.

Mrs Thatcher said that it was made clear in the declaration on friendly relations that members of NATO and the Warsaw Pact no longer regarded each other as adversaries.

CHARTER OF PARIS FOR A NEW EUROPE

Signed by the heads of CSCE governments on 21 November, the Charter of Paris for a New Europe sets out the principles which all participating states are to abide by; indicates guidelines for future action; and establishes a range of new institutions needed to carry out these guidelines.

Democracy, Peace and Unity

Noting that the era of confrontation and division of Europe had ended, the Charter says that the signatories will 'build, consolidate and strengthen democracy as the only system of government of our nations' and will abide by the following principles:

1 the protection, promotion and guarantee of human rights and fundamental freedoms;

[1] These states are the 16 members of NATO (Belgium, Britain, Canada, Denmark, France, the Federal Republic of Germany, Greece, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Turkey and the United States) and the six members of the Warsaw Pact (Bulgaria, Czechoslovakia, Hungary, Poland, Romania and the Soviet Union). Other states participating in the CSCE process are Austria, Cyprus, Finland, the Irish Republic, Liechtenstein, Malta, Monaco, San Marino, Sweden, Switzerland, Yugoslavia and the Vatican.

2 respect for the will of the people, expressed regularly through free and fair elections; and

3 accountability to the electorate, the obligation of public authorities to comply with the law and impartial administration of justice.

Individual Rights and Freedoms

The Charter affirms that, without discrimination, every individual has the right to:

– freedom of thought, conscience, and religion or belief;

– freedom of expression;

– freedom of association and peaceful assembly; and

– freedom of movement.

No one will be subject to:

– arbitrary arrest or detention; or

– torture or other cruel, inhuman or degrading treatment or punishment.

Everyone has the right, the Charter continues:

– to know and act upon his or her rights;

– to participate in free and fair elections;

– to fair and public trial if charged with an offence;

– to own property alone or in association and to exercise individual enterprise; and

– to enjoy his or her economic, social and cultural rights.

The Charter says that CSCE states will also ensure that everyone enjoys recourse to effective remedies, national or international, against any violation of his or her rights.

Minority Rights

The Charter affirms that the ethnic, cultural, linguistic and religious identity of national minorities will be protected, including the right of a person from a national minority freely to express, preserve and develop that identity without any discrimination and in full equality before the law.

Economic Rights

Economic liberty, social justice and responsibility for the environment are indispensable for prosperity, the Charter says. The 34 participating countries will promote economic activity which respects and upholds human dignity.

Freedom and political pluralism are necessary elements in the common objective of developing market economies towards sustainable economic growth, social justice and prosperity. The CSCE states will co-operate with countries making efforts to change to market economies which will enable them to share a higher level of prosperity.

Security

Affirming the continuing validity of the principles of the Helsinki Final Act and their determination to put them into practice, the 34 states renew their pledge to refrain from the threat or use of force against the territorial integrity or political independence of any state. They also reaffirm their commitment to settle disputes by peaceful means.

The signatories will strive for a new quality in their security relations. 'Security', the Charter stresses, 'is indivisible and the security of every participating state is inseparably linked to that of all the others.' The unprecedented reduction in armed forces resulting from the CFE Treaty, together with new approaches to security and co-operation within the CSCE process (see p 159), 'will lead to a new perception of security in Europe and a new dimension in our relations'.

Guidelines for the Future

Human Dimension

To strengthen democratic institutions and to promote the application of the rule of law, the signatories will convene a seminar of experts in Oslo in November 1991. In view of the need for increased co-operation on, as well as better protection of, national minorities, a meeting of experts will also be convened in Geneva in July 1991 to discuss national minorities. In addition, the 34 states undertake to develop further commitments on the human dimension, in particular at the Moscow conference (to be held in September and October 1991).

Security

To co-operate in the field of security, the participating states undertake to continue the confidence- and security-building measures negotiations, and seek to conclude them by the CSCE follow-up meeting in 1992. They look forward to having more discussions and consultations in order to establish by 1992 new negotiations on disarmament and confidence and security building open to all of them. They also favour the earliest possible conclusion of a convention on an effectively verifiable, global and comprehensive ban on chemical weapons (see pp 159-60) and of negotiations on the Open Skies initiative (see p 207).

Settlement of Disputes

The Charter commits the signatories not only to seek effective ways of preventing possible conflicts but also to define appropriate mechanisms for the peaceful resolution of any disputes that may arise. The meeting in Valletta, Malta, in January/February 1991 on the peaceful settlement of disputes should be used in this regard, the Charter stresses.

Economic Co-operation

The Charter also emphasises that economic co-operation based on the market economy will be instrumental in the construction of a prosperous and united Europe. Such co-operation should be expanded, free enterprise encouraged and trade increased. Social justice and the furtherance of the welfare of people will be promoted. In addition, the Charter underlines the need for the increased integration into the international economic and financial system of countries undergoing transition to a market economy (see pp 245-7).

Environment

The Charter pledges the 34 states to protect and improve the environment in order to restore and maintain a sound ecological balance, using the CSCE framework for the formulation of common environmental commitments and objectives (see pp 358-61). The Charter welcomes the creation of the European Environment Agency (see p 168).

Culture

On culture, the 34 participating countries underline their attachment to creative freedom and to the protection and promotion of their cultural and spiritual heritage.

The Mediterranean

The signatories, the Charter says, will continue efforts to strengthen security and co-operation in the Mediterranean as an important factor for stability in Europe. The signatories renew their determination 'to intensify efforts towards finding just, viable and lasting solutions, through peaceful means, to outstanding crucial problems, based on respect for the principles of the [Helsinki] Final Act'. They will also strive towards 'a substantial narrowing of the prosperity gap between Europe and its Mediterranean neighbours'.

New CSCE Organisations

The signatories agreed to establish a number of new CSCE political structures and institutions. These comprise:

– a CSCE council of foreign ministers, to meet at least once a year, to provide 'the central forum for political consultations within the CSCE process';

– a committee of senior officials to prepare the council's work and to carry out its decisions;

– additional meetings of representatives of the CSCE states to discuss urgent questions;

– a secretariat, to be established in Prague, to provide these bodies with administrative support;

– CSCE follow-up conferences every two years, designed, among other things, to review the implementation of the commitments made and to consider further steps in the CSCE process;

– a conflict prevention centre in Vienna to assist the foreign ministers' council in reducing the risk of conflict; and

– an office for free elections in Warsaw to facilitate contacts and the exchange of information on elections within the CSCE countries.

The Charter also calls for the creation of a CSCE parliamentary assembly with members from all participating states.

CONVENTIONAL ARMED FORCES IN EUROPE TREATY

The 16 members of NATO and the six members of the Warsaw Pact signed the treaty on 21 November.

Ceilings

They agreed to limit and, as necessary, reduce their weapons within the land area from the Atlantic Ocean to the Ural Mountains. Within 40 months of the entry into force of the treaty, each alliance will limit its forces to:

– 20,000 tanks, of which no more than 16,500 will be in active units;

– 30,000 armoured combat vehicles (with no more than 27,300 in active units);

– 20,000 pieces of artillery (no more than 17,000 in active units);

– 6,800 combat aircraft; and

– 2,000 attack helicopters.

Tanks, armoured combat vehicles and artillery not in active units are to be placed in designated permanent storage sites.

Within the overall ceiling, there are sub-ceilings to prevent any one nation concentrating too many forces in a particular area.

First Sub-ceiling

This area consists of Belgium, Britain, Czechoslovakia, Denmark, France, Germany, Hungary, Italy, Luxembourg, the Netherlands, Poland, Portugal, Spain and part of the Soviet Union west of the Urals (the Baltic, Byelorussian, Carpathian, Kiev, Moscow and Volga/Ural military districts). Within this area, each alliance will limit its forces after 40 months to:

– 15,300 tanks (11,800 in active units);

– 24,100 armoured combat vehicles (21,400 active); and

– 14,000 artillery (11,000 active).

Second Sub-ceiling

This area consists of the above countries except Portugal, Spain and the Soviet Moscow and Volga/Ural military districts. The limits for each alliance will be:

– 10,300 tanks;

– 19,260 armoured combat vehicles; and

– 9,100 artillery.

In addition, the Soviet Union has agreed to deploy no more than 2,250 tanks, 2,500 armoured vehicles and 1,500 artillery in the Kiev military district.

Other Sub-ceilings

In the area comprising Belgium, Czechoslovakia, Germany, Hungary, Luxembourg, the Netherlands and Poland the limits for each alliance will be:

– 7,500 tanks;

– 11,250 armoured combat vehicles; and

– 5,000 artillery.

In an outer area – Bulgaria, Greece, Iceland,[1] Norway, Romania, part of Turkey and the Soviet military districts of Leningrad, Odessa, Transcaucasus and North Caucasus – each alliance is to limit its forces to:

– 4,700 tanks;

– 5,900 armoured combat vehicles; and

– 6,000 artillery.

Sufficiency Rules

Under the treaty, no single-state party can have more than approximately one-third of the conventional armaments and equipment allowed to be deployed in the whole area of the treaty (the Atlantic to the Urals). These individual upper limits are:

– 13,300 tanks;

– 20,000 armoured combat vehicles;

– 13,700 artillery;

– 5,150 combat aircraft; and

– 1,500 attack helicopters.

[1] Iceland has no military forces.

Each state party has the right to change the maximum levels of its conventional holdings limited by the treaty. However, a change needs an advance warning of at least 90 days, while to avoid any breaking of the treaty's group limitation an increase by one party in an alliance will require a corresponding reduction by other members belonging to the same alliance.

Implementation

Under the treaty, which is of unlimited duration, reductions are to be completed within 40 months in three phases. At the end of the first phase (16 months after entry into force), each party will have to complete at least 25 per cent of its reduction commitment in each category. At the end of the second phase (28 months after entry into force), it will have to complete at least 60 per cent of its commitment.

Methods of reduction of the armaments and equipment are destruction, conversion to non-military/training/instructional purposes, placement on static display, and use as ground targets. Some equipment can also be modified, reclassified or recategorised.

Britain has agreed with its NATO partners that its equipment allocations under the treaty will be 1,015 tanks, 636 artillery, 3,176 armoured combat vehicles, 900 combat aircraft and 384 attack helicopters. These ceilings require Britain to reduce its holdings by 183 tanks and 17 armoured combat vehicles. They allow small increases in combat aircraft and attack helicopters.

Verification

The reduction process shall be subject to inspection in order to:

– verify compliance;

– monitor the process of reduction of weapons and equipment, carried out at reduction sites; and

– monitor the certification of recategorised multi-purpose attack helicopters and reclassified combat-capable trainer aircraft.

The treaty establishes a joint consultative group to address questions relating to compliance with the agreement and differences of interpretation.

Future Negotiations

There is to be a conference reviewing the operation of the treaty 46 months after the agreement's entry into force, with further review conferences every five years. Each party, however, by exercising its national sovereignty, will have the right to withdraw from the treaty if it decides that its supreme interests are being jeopardised by 'extraordinary events'.

The 22 states have agreed that, after the signing of the CFE Treaty, they will continue negotiations on additional measures aimed at further strengthening security and stability in Europe, including limitations on armed forces personnel. These negotiations would be concluded by the next CSCE follow-up meeting in 1992.

JOINT DECLARATION OF TWENTY-TWO STATES

In a joint declaration issued in Paris on 19 November, the 22 NATO and Warsaw Pact members declared that:

– they were no longer adversaries, would build new partnerships and would extend to each other the hand of friendship;

– the security of each country was bound to the security of all CSCE states;

– they would maintain only such military forces as were necessary to prevent war and provide for effective defence; and

– every state had the right to choose whether to be a party to a treaty of alliance.

In addition, they approved the intensification of political and military contacts to promote understanding and confidence.

Signatories also expressed their determination to contribute to conventional, nuclear and chemical arms control and disarmament agreements, and welcomed the prospect of new negotiations between the United States and the Soviet Union on the reduction of short-range nuclear forces (see p 202).

European Community: Relations with the United States and Canada

The European Community and the United States reached agreement in November on a declaration establishing a formal process of joint consultation. A parallel declaration between the Community and Canada was similarly agreed.

European Community-United States Declaration

The declaration, issued on 23 November, emphasised the importance of strengthening the partnership between the Community and the United States and set out long-term objectives.

Common Goals

Its aims are to support democracy and respect for human rights and for individual liberty throughout the world, and to safeguard peace and security by fostering international co-operation and reinforcing the role of the United Nations and other international organisations. Both sides agreed to pursue policies aimed at achieving a sound world economy by promoting market principles, rejecting protectionism and developing the multilateral trading system. Support for the developing countries and for the nations of Eastern and Central Europe in their efforts towards political and economic reform will be maintained.

Principles of Partnership

To achieve their common goals the Community and the United States will consult regularly on political and economic issues of common interest, aiming to harmonise their positions without prejudice to their respective independence. In addition, they will seek close co-operation in appropriate international bodies.

Education, Scientific and Cultural Co-operation

Efforts will be made to enhance co-operation, through exchanges and joint projects, in education and culture and in science and technology, particularly research in medicine, environmental protection, energy and space.

Institutional Framework for Consultation

The signatories agreed that twice-yearly meetings should take place between the Presidents of both the European Council and the European Commission on the one side and the President of the United States on the other. Similar twice-yearly consultations will be arranged between the European Community foreign ministers and the United States Secretary of State and between the European Commission and the United States Government at Cabinet level. There will also be *ad hoc* consultations. In addition, the European Council Presidency will provide briefings to US representatives on European Political Co-operation meetings at the ministerial level.

European Community-Canada Declaration

The aims, principles and provisions of the declaration issued on 22 November between the European Community and Canada were, with slight variations, the same as those in the declaration between the Community and the United States.

Iraqi Occupation of Kuwait

The United Nations Security Council has authorised the use of military force against Iraq if it fails to withdraw from Kuwait by mid-January 1991. Earlier in November, Britain and the United States announced substantial reinforcements of their military presence in the Gulf.

Further developments in early December included an invitation to Iraq by the United States President for talks on the Gulf crisis and an announcement by Iraq that all foreign nationals were to be released.

Authorisation of Force against Iraq

On 29 November the United Nations Security Council adopted resolution 678 (1990) authorising the use of military force against Iraq if its forces had not been withdrawn from Kuwait by mid-January 1991. The resolution, which was opposed by Cuba and Yemen with the People's Republic of China abstaining, offered Iraq one final opportunity, 'as a pause of goodwill', to comply with the demands of the Security Council. If Iraq had not done so by 15 January, UN member states co-operating with the legitimate Government of Kuwait would 'use all necessary means to uphold and implement resolution 660 [see p 278] and all subsequent relevant resolutions and to restore international peace and security in the area'. All states were requested to provide appropriate support for actions undertaken to achieve this end and to keep the Security Council informed accordingly.

British Statement

Addressing the Security Council on 29 November, the Foreign and Commonwealth Secretary, Mr Douglas Hurd, said that the obliteration of one UN member state by another threatened the whole structure of international order. The purpose of the Council's meeting was to make a strong bid for peace. Britain was aware of the suffering and destruction that a war in the Gulf was likely to cause and he viewed resolution 678 as putting the 'strongest of the peaceful pressures on Iraq'. He continued: 'It is important to be clear that after this resolution there is an option for peace and the Iraqis hold it in their hands. It is for them to use that option or to discard it. The international community has not added today to its demands. It is not asking anything except the reversal of the aggression – namely full compliance with previous resolutions.'

Mr Hurd stressed that the Security Council could not be accused of impatience with Iraq. By mid-January, at the end of this further period of grace, the aggression against Kuwait would be nearly six months old. 'The military option is reality, not bluff. If it has to be used it will be used with the full backing of the Council.'

Military Deployments

British Reinforcements

In a statement to the House of Commons on 22 November (*Hansard*, Vol 181, No 12, cols 425-32), the Secretary of State for Defence, Mr Tom King, announced a further British contribution to the multinational military effort in the Gulf. In order to resolve the crisis by peaceful means, it was essential to establish a credible offensive military option. Iraq had to realise that it was faced with a military force which, if necessary, would compel Iraq to withdraw from Kuwait. Britain had decided to deploy an extra brigade and a divisional headquarters. They would join the armoured brigade already in Saudi Arabia to form the 1st Armoured Division.

The additional brigade would be the 4th Brigade, presently stationed in the Federal Republic of Germany, with a tank regiment, two armoured infantry battalions, a reconnaissance squadron, artillery and supporting services. Additional missile batteries and helicopters would also be sent. Certain key skills required for this deployment would need to be offset by the selective use of reservists. The Government had also decided to send two more mine countermeasures vessels to the Gulf.

Mr King declared that this latest deployment would bring the strength of 1st Armoured Division to some 25,000 personnel, and the total number of British forces committed to the Gulf to more than 30,000.

Concluding, Mr King said: 'With the further major American deployments, and the continued build-up of units from 30 other countries in the multinational force, the deployment that I have announced today is the clearest possible message to [President] Saddam Hussein that there is a credible military option, and that he must now observe resolution 660, end his aggression, release the hostages, and leave Kuwait.'

United States and Other Forces

On 8 November the United States President, Mr George Bush, announced that the already substantial US military presence in the Gulf region would be further reinforced by additional aircraft carriers, air force units, tanks and more than 100,000 extra troops. It is expected that by the beginning of 1991, United States forces will number up to 400,000, providing an offensive capability against Iraq.

Of the Western European states deploying forces in the Gulf, France's commitment involving some 15,000 military personnel has been the most substantial after that of Britain. Naval contributions on a smaller scale have been provided by the Netherlands, Denmark, Norway, Belgium, Italy and Spain. Other countries which have sent military contingents include Canada, Australia, Argentina, Pakistan, Bangladesh, Senegal, Poland, Czechoslovakia and Niger.

In addition to the defence forces of Saudi Arabia and the other countries of the Gulf Co-operation Council, the Arab commitment to the multinational force is over 40,000 Egyptian, Syrian and Moroccan troops.

An Iraqi announcement on 19 November declared that an additional 250,000 Iraqi troops were to be mobilised to reinforce the existing forces in Kuwait and the south of Iraq, believed to number about 430,000.

Other Developments

Offer of Peace Talks

On 30 November President Bush offered direct talks with Iraq to bring about a peaceful solution. The purpose of the offer was not to negotiate with Iraq but to leave the Iraqi leadership in no doubt as to the determination of the international community to see its withdrawal from Kuwait. Iraq has accepted the United States' invitation to talks.

Mr Douglas Hogg, Minister of State at the Foreign and Commonwealth Office, reported to the House of Commons on 3 December (*Hansard*, Vol 182, No 19, cols 21-6) that Britain supported the United States initiative as a means of increasing the peaceful pressures on Iraq to comply with United Nations Security Council resolutions.

Foreign Nationals in Iraq and Kuwait

During November some British and other foreign nationals detained as hostages in Iraq and Kuwait were allowed to leave. This was largely as a result of unofficial humanitarian missions to Iraq by European political figures or direct intervention by relatives.

On 18 November the Iraqi Government announced that foreign 'guests' would be released in batches over a period of three months starting on 25 December if peace prevailed in the Gulf. However, on 6 December the Iraqi President announced that all foreign nationals held in Iraq and Kuwait would be unconditionally released. In a consequent statement to the House of Commons (*Hansard*, Vol 182, No 22, cols 470-6), Mr Hurd said that close contact would be maintained with the British embassy in Baghdad over the practical arrangements for the departure of all British citizens trapped in Iraq and Kuwait. Britain's ambassador was seeking early clarification from the Iraqi authorities. There were 440 British nationals in hiding in Kuwait, 355 at liberty in Iraq and a further 342 detained at strategic Iraqi sites.

Emphasising that pressure would be maintained on Iraq, Mr Hurd added: 'Three main requirements were laid down . . . by the Security Council of the United Nations – the unconditional withdrawal of Iraqi forces from Kuwait, the restoration of the Kuwaiti Government, and the freeing of all hostages. If the third of the requirements is carried through, that is welcome news, but it does not detract in the least from the importance of the others.'

By mid-December most British nationals who wished to leave Iraq and Kuwait had done so.

Overseas Aid

Recent developments in Britain's aid programmes include an increase in the overseas aid budget; bilateral aid agreements with Ghana, Nigeria and Sri Lanka; emergency and humanitarian aid in Africa and the Gulf; and a report by the Natural Resources Institute on its work in 1990.

Overseas Aid Budget Increases

As part of the Government's Autumn Statement announced in November (see pp 426-30), Britain's overseas aid budget is to increase from the original provision of £1,587 million to £1,619 million in 1990-91 and to £1,720 million in 1991-92, £1,790 million in 1992-93 and £1,860 million in 1993-94. This is a rise of 17 per cent in cash terms and 2 per cent in real terms. The Government's external assistance programmes, which cover aid to the developing countries, economic assistance to Eastern Europe, and global environmental assistance, will increase to £1,930 million in 1993-94 from the original provision of £1,592 million for 1990-91, a rise of 21 per cent.

Bilateral Aid

Britain is giving a total of £25 million in aid grant to Nigeria in support of Nigeria's structural adjustment programme. The first of two agreements signed by the two countries in October provides £20 million in foreign exchange to enable the private sector to buy British goods and services. The second agreement covers the supply of disposable hospital products worth £5 million. This follows a supply of essential drugs in 1989.

New aid agreements were also signed with Ghana in October. These include:

– £10 million in programme aid for balance of payments support in 1990-91;

– £6 million to rehabilitate water supplies; and

– £1·2 million to assist with waste disposal projects.

As part of a £100 million forestry initiative announced in 1989 (see p 429, 1989), Britain is providing Sri Lanka with a grant of £11 million over five years. The project is designed to improve the management of 7,400 acres (3,200 hectares) of existing

plantation and to plant a further 1,540 acres (625 hectares) with appropriate species.

Emergency Aid

Ethiopia has received £16·5 million of emergency aid from Britain during 1990 to help tackle famine. The latest assistance, announced in September, included:

– 19,000 tonnes of food aid channelled through the World Food Programme;

– 5,000 tonnes of cereals; and

– £500,000 for the Save the Children Fund to buy trucks and spare parts for a food distribution programme.

Britain is also giving £600,000 worth of vegetable oil for Somali and Sudanese refugees in Ethiopia.

In November, Britain announced food aid for Sudan worth £2 million, in addition to pledges made during 1990 of £3·29 million to help combat drought and of over £1 million for refugees and displaced persons.

Humanitarian Aid

Britain is making £100,000 available for British non-governmental organisations to help displaced people inside Cambodia as a result of the civil war there. In addition, £1·25 million has been allocated to support projects in Cambodia carried out by the United Nations Children's Fund (UNICEF), the World Food Organisation and the World Health Organisation. These include providing safe water supplies, food-for-work schemes, primary health care, education and assistance for agricultural development.

Nearly £11 million has been contributed by Britain for emergency programmes for Gulf refugees (see pp 310-11). These include:

– £2 million to the International Organisation for Migration to assist the repatriation of thousands of refugees from Iraq and Kuwait;

– £500,000 to assist the Red Cross and the Jordanian Red Crescent; and

– £250,000 in relief supplies.

Environment

Britain is contributing $90 million (£46 million) to a new Global Environment Facility, to be managed by the World Bank, the United Nations Development Programme and the UN Environment Programme, to help developing countries to tackle their environmental problems (see pp 256-8 and 424-5).

Natural Resources Institute

The Natural Resources Institute (NRI) works for the Overseas Development Administration (ODA), collaborating with developing countries to increase the productivity of their renewable natural resources through the application of science and technology. Although its primary role is to serve the needs of the British Government's aid programme, the NRI also works with other bilateral and multilateral aid donors. The NRI became an executive agency in April 1990.

Its review of work in 1990 is contained in a newsletter entitled *Resource*.[1]

[1]Published free four times a year, by the Natural Resources Institute, Central Avenue, Chatham Maritime, Kent ME4 4TB.

Ghanaian Rainforest

The NRI is involved in an ODA-supported project in Ghana aimed at properly managing the country's shrinking rainforest. The main objective is to ensure the supply of important forest products for the foreseeable future, with the first step being to survey the resources in the remaining rainforest.

Belize's Development

The ODA is also funding an NRI survey of the natural resources of Belize, to be completed in 1991. The survey has already assessed Belize's suitability for development and conservation; described the existing land tenure, land use and farming systems; and proposed development opportunities, particularly for poorer farmers.

Agriculture in Uganda

Since 1989 an NRI economist has been involved in an agricultural development programme in Uganda, funded by the ODA and the charity Action Aid Uganda, assisting farmers to plan their future, advising the planning of agricultural production, and marketing and assessing the impact of projects.

Locusts in Northern Africa

The review says that meteorology plays a vital role in forecasting the movement and potential breeding success of desert locusts, which can move into north-west Africa twice a year. In a Food and Agricultural Organisation project, NRI and Algerian meteorologists are working to turn the information that they gained during the locust plagues into guidelines for forecasters.

Cotton-free Zones in Paraguay

In an ODA-funded project with Paraguay the NRI is testing the feasibility of establishing cotton-free zones to deter the Mexican boll weevil prevalent in Brazil; the pest has been tracked to within 200 km (124 miles) of the Paraguayan border. The NRI is also monitoring the progress of the boll weevil across Brazil.

Pest Management Project in Malawi

Finding ways of helping small farmers to solve a wide range of their soil pest problems without expensive and environmentally damaging pesticides is a key object of the NRI's pest management project in Malawi. NRI entomologists, weed scientists and economists will be working together with experts from Reading University and postgraduate students and staff from the University of Malawi on the pests affecting maize, beans, sorghum, cowpea and groundnuts.

Rice Research in the Philippines

NRI ecologists and scientists in the Philippines are conducting research into the environments in which modern varieties of rice are grown; they are also assessing the impact of fertilisers and pesticides.

Cassava in Africa

The NRI is participating in an international effort to improve the production of cassava in Africa. It has

developed an important new database which shows, among other things, the geographical distribution of the product categories, variations in the duration of processing stages, and the preference for bitter or sweet varieties.

Ice-boxes for Fishermen in India

The NRI's fisheries section has been developing ice-boxes for use on the traditional fishing boats operating along the coast of Andhra Pradesh, India; these ice-boxes allow boats to land all their catch fresh, to stay at sea longer and to operate more flexibly.

Furnaces for Drying Timber

A furnace has been developed by NRI engineers which burns wood waste to provide heat for drying timber. This furnace can be built in developing countries and uses cheap and indigenous energy sources, providing proper seasoning of timber essential for making good-quality finished products such as furniture.

Solar Dryer

The NRI is also developing a new solar dryer which passes hot air over paddies of rice; this dryer produces a better yield and quality of rice. A small, cheap and easy-to-construct burner is being tested by the NRI in a rice mill in Sri Lanka.

Specialist Services

The NRI has a number of specialist service sections to help with its programmes. Some of these sections' work in 1990 included:

– editing the proceedings of a conference on seaweed for the Bay of Bengal Fisheries Project in Madras;

– establishing library databases in Nagpur, India, for the National Bureau of Soil Surveys and Land Use Planning;

– setting up a computer network for the Zimbabwe Government; and

– organising training courses in Britain, Ghana, Guyana, India, Kenya and Tanzania.

Shorter Notes

RELATIONS WITH SYRIA

On 28 November the Foreign and Commonwealth Secretary, Mr Douglas Hurd, told the House of Commons that Britain and Syria were resuming diplomatic relations with immediate effect. The respective heads of the interests sections in London and the Syrian capital of Damascus would be chargés d'affaires, pending the exchange, where practicable, of ambassadors.

Diplomatic relations had been previously broken off by Britain in October 1986. This was in response to evidence of official Syrian involvement in the criminal activities in Britain of the convicted terrorist, Mr Nezar Hindawi (see pp 350-1, 1986).

Mr Hurd announced that Britain had received assurances that Syria would maintain its efforts to obtain the release of British and other Western hostages in Lebanon (see p 206). The Syrian Government had also confirmed its rejection of acts of international terrorism and had given a confidential account of its position on the Hindawi affair to the British Government. Mr Hurd noted: 'Diplomatic relations are not a form of blessing or approval but result from a realistic appraisal of whether it is in Britain's interests to have direct contact with a particular government. In the case of Syria, I believe that it is.'

Source: *Hansard*, Vol 181, No 16, cols 867-83.

ENVIRONMENTAL AID

Britain's contribution to the United Nations Environment Programme (UNEP) is being increased by £1 million, the then Secretary of State for the Environment, Mr Chris Patten, announced in the House of Commons on 20 November. Britain is also to contribute a total of $90 million to the new Global Environment Facility, it was announced on 27 November.

Mr Patten said that spending plans for 1991-92 included provision for a contribution of £4 million to UNEP's Environment Fund, £1 million more than Britain's contribution in 1990. This would be the second successive annual increase in British support for the fund. 'These increased contributions reflect our commitment to the important work which UNEP is undertaking on global environmental issues, particularly in relation to the 1992 UN Conference on Environment and Development'. In 1990 Britain was the fourth largest contributor to the Fund, which finances the cost of new environmental initiatives undertaken by the United Nations. Britain's contribution had already risen to £3 million from its 1989 level of £1·25 million.

The Global Environment Facility, to be managed by the UNEP, the UN Development Programme and the World Bank, will help developing countries tackle global environmental problems. Britain's contribution of $90 million (£46 million) will include up to $15 million already promised to assist developing countries in controlling their use of ozone-depleting substances (see pp 256-8). The new pledge is separate from Britain's aid budget for developing countries.[1] It will be financed from a new item of expenditure on global environmental assistance announced in the Autumn Statement on 8 November (see pp 426-30).

Announcing the pled ge of $90 million on 27 November, Mr Timothy Lankester, Permanent Secretary at the Overseas Development Administration (ODA), said that the Government recognised that developing countries would need special financial and technical assistance to help them play their full part in the international effort to tackle global environmental problems.

[1] For Britain's aid programme and the environment, see pp 206-8.

Sources: *Hansard*, Vol 181, No 10, written answers, cols 63-4; Department of the Environment news release, 20.11.90; ODA news release, 27.11.90.

ASSISTANCE TO THE SOVIET UNION

A separate know-how fund (see p 343) for the Soviet Union was announced by the Foreign and Commonwealth Secretary, Mr Douglas Hurd, on 15 November. Initially the fund will be worth £20 million over two years.

Assistance, which will be provided in close collaboration with the British private sector, will be targeted on:

- food distribution and agriculture;
- energy;
- the formation of small businesses; and
- financial services

The objective is to help Soviet managers and professionals to acquire the skills that they need to establish a market economy in the Soviet Union. Co-operation will include the building of financial institutions; the establishment of professional, academic and other links; the transfer of management expertise; and advice on a range of financial and business skills.

Source: Foreign and Commonwealth Office news release, 15.11.90.

ECONOMIC AND SCIENTIFIC AFFAIRS

Autumn Statement

Continued tight control of public expenditure, in line with the Government's anti-inflation policy, was the theme of the Autumn Statement presented by the then Chancellor of the Exchequer, Mr John Major, to the House of Commons on 8 November. There would, however, be increases in certain programmes. For 1991, the Government forecast a continued fall in the rate of growth in consumer spending and lower inflation, along with an improved balance of payments current account.

Mr Major was delivering the customary Autumn Statement on the expected outturn for public expenditure in the current financial year and government plans for the next three years, as well as changes in National Insurance contributions for 1991-92 (*Hansard*, Vol 180, No 2, cols 117-22). He was also publishing the economic forecast for the next calendar year, as required by the Industry Act 1975 (see p 487, 1975). These are brought together in a single document, the 'Grey Book'.[1]

Public Expenditure

Mr Major emphasised that, while public expenditure had to be tightly controlled in the interests of the economy, extra resources would be channelled to the areas of greatest need. Since 1984-85, public expenditure had barely risen in real terms, while the economy had grown by almost 20 per cent. This had resulted in a fall of more than 7 percentage points in the ratio of public expenditure to national income – the largest sustained drop for over 40 years. Budget surpluses accrued over the previous three years had enabled the Government to repay a debt of £26,000 million. Mr Major underlined the Government's chief objective of bringing down inflation, which would lead to weaker economic activity in the short term. However, he did not expect the ratio of public expenditure to national income to rise as a result of this.

Public expenditure for the fiscal year 1990-91 was expected to reach £180,600 million (see Table 1), just under 1 per cent higher than the planning total set a year previously (see p 465, 1989). The increase was incurred largely as a result of the greater financial requirements of the nationalised industries, additional expenditure required by the Common Agricultural Policy and expenditure on the Gulf crisis (see pp 421-2). However, the higher-than-forecast level of inflation had not been allowed to feed through fully into public expenditure, which remained under strict control. The ratio of public expenditure to national income was likely to remain at the same level as during 1989-90 – some 39·5 per cent.

Spending plans for the next three years had been formulated in the light of slower economic activity, both domestically and internationally, and against the background of uncertainty caused by the Gulf crisis and the consequent rise in oil prices. The new spending plans would be 'affordable and fiscally prudent', honouring existing commitments but not making substantial additions to expenditure in other areas. For 1991-92, the planning total had been set at £200,300 million (see Table 2), some £8,000 million over the previously published figure; for 1992-93 the total would be £215,000 million and for 1993-94, £226,100 million. In the light of uncertainties arising from the current economic situation and the Gulf crisis, the totals included higher reserves than the previous year's plans: a £3,500 million reserve for 1991-92; £7,000 million for 1992-93; and £10,500 million for 1993-94. The spending plans had been calculated on the basis that privatisation proceeds would amount to £5,500 million a year. The cash additions would not fully compensate for the expected increase in prices, but such restraint was necessary.

Programmes

Mr Major announced for 1991-92 an additional £7,500 million in expenditure on health, social security and central government support for local authority services. The £3,000 million increase between 1990-91 and 1991-92 in expenditure on health would enable the National Health Service to increase spending by 5 per cent over and above inflation. This brought the total real increase in expenditure on health since 1979 to almost 50 per cent.

Almost £3,000 million would be added to social security expenditure for 1991-92, to maintain the real value of benefits paid to 10 million pensioners and 11 million people receiving income-related benefits, as well as those qualifying for community charge benefit. Savings arising from the restructuring of the statutory sick pay scheme, announced in October 1990 (see pp 391-3), would be reflected in improved government assistance to poorer pensioners and those living in nursing and residential homes.

Additional support for local authority current

[1] *Autumn Statement 1990*. HM Treasury. Cm 1311. HMSO, £9. ISBN 0 10 113112 7.

Table 1

General Government Expenditure

£000 million

	1989-90 outturn	1990-91 forecast in 1990 Budget	1990-91 latest forecast
Planning total	162·7	179·0	180·6
Local authority self-financed expenditure	14·6	13·3	13·9
Central government debt interest	17·8	17·0	17·8
Accounting adjustments	3·7	3·4	3·4
Total	198·8	212·7	215·7
of which			
Privatisation proceeds	–4·2	–5·0	–5·3

expenditure, including the £2,500 million announced in July 1990 (see pp 285-6), was designed to enable local authorities to finance local services without increasing the community charge. Mr Major reaffirmed the Government's determination to cap the budgets of high-spending authorities (see p 385).

Improvements would also be made to other key areas, including education, public transport and the environment (see p 424). Central government expenditure on education would increase by over £500 million in 1991-92, largely to finance the record number of students in higher education. Investment in public transport for the next three years would be

Table 2

Public Expenditure Plans from 1990-91 to 1993-94

£ million

	Estimated outturn 1990-91	Plans 1991-92	1992-93	1993-94
Ministry of Defence	21,580	22,800	23,350	23,390
Foreign and Commonwealth Office				
Diplomatic wing	950	1,020	1,090	1,130
Overseas Development Administration	1,750	1,910	1,980	2,050
Ministry of Agriculture, Fisheries and Food	2,270	2,280	2,390	2,390
Department of Trade and Industry	1,230	980	930	880
ECGD (Export Credits Guarantee Department)	390	250	130	30
Department of Energy	1,420	970	690	640
Department of Employment	3,770	3,400	3,380	3,440
Department of Transport	4,380	5,210	5,420	5,430
Department of the Environment				
Housing	6,880	7,280	7,220	7,440
Environment	1,560	1,430	1,400	1,530
Property Services Agency	70	90	40	10
Local government	20,430	23,260	24,000	24,450
Home Office	5,050	5,400	5,630	5,940
Legal departments	1,360	1,460	1,580	1,660
Department of Education and Science	6,580	7,250	7,540	7,730
Office of Arts and Libraries	490	560	580	570
Department of Health	22,540	25,090	26,510	27,690
Department of Social Security	55,900	62,800	67,700	72,200
Scotland	9,740	11,060	11,470	11,780
Wales	4,460	4,920	5,080	5,250
Northern Ireland	5,910	6,420	6,860	7,170
Chancellor of the Exchequer's departments	4,700	4,990	5,290	5,510
Cabinet Office etc	340	400	420	440
European Community	1,890	1,050	2,870	2,340
Reserve	–	3,500	7,000	10,500
Privatisation proceeds	–5,300	–5,500	–5,500	–5,500
Adjustment*	300	–	–	–
Planning total	180,600	200,300	215,000	226,100

*For the difference between the assessment of the likely outturn and the sum of the other items shown.
Note: Differences between totals and the sums of their component parts are due to rounding.

double the level of the previous three years. In line with the objectives of the White Paper on the environment (see pp 358-61), significant extra resources would be channelled into environmental research and into support for environmental bodies, such as the Countryside Commission and the National Rivers Authority.

Savings would be made in expenditure on defence as a result of the 'Options for Change' proposals announced in July 1990 (see pp 275-6). Over the next three years the proposals would achieve a real reduction in defence expenditure of about 6 per cent. This would be the first time since the end of the second world war (1939-45) that the Government had been able safely to plan a defence budget that would be less than 10 per cent of all government expenditure and, moreover, declining.

Savings achieved within certain areas of the trade and industry and employment programmes would enable selective increases to be made in other areas of these programmes. Within the Home Office, a reduction in the prison building programme, in line with forecasts of a lower prison population, had made additional resources available to fund the refurbishment of existing prisons, including Strangeways (see p 191).

Capital spending in the public sector would approach £30,000 million in 1990-91. Leaving aside defence, the new plans would allow for an extra £1,500 million a year in investment by central government and nationalised industries. Over the three years, real growth in total public spending would be less than 2 per cent a year, which would be within the trend growth in the economy. The tight plans for government expenditure would help to ensure that the ratio of public spending to national income would remain stable at the 1990-91 level of about 39·5 per cent for the next two years. Thereafter, as economic activity increased and inflation remained in check, the downward trend would be resumed.

National Insurance Contributions

Following the announcement in October on the uprating of social security benefits (see pp 391-3), Mr Major outlined the changes in employee earnings limits for Class 1 National Insurance contributions[1] from April 1991. The lower limit for employee and employer contributions would be raised from £46 to £52 a week, in line with the single person's pension, while the upper limit would be increased from £350 to £390 a week. In addition, there would be reductions in the contribution rates applicable to employers. The restructuring of statutory sick pay would lead to a modest increase in employers' costs; it was right that the Government should share these costs, Mr Major said. Therefore, the main employers' contribution rate would be reduced from 10·45 per cent to 10·40 per cent of employees' earnings. Each of the lower rates would also be cut, by 0·4 percentage points. The employee earnings limit above which employers would pay contributions at the new main rate would be raised from £175 to £185 a week. The employee earnings limits below which employers would pay contributions at less than the main rate would also be raised, from £80 to £85 a week (for the new 4·6 per cent band of contributions), from £125 to £130 a week (for the new 6·6 per cent band) and from £175 to £185 a week (for the new 8·6 per cent band).

[1]There are four classes of National Insurance contribution. Class 1, paid by employees and employers, covers the bulk of the working population. Two of the other classes cover the self-employed while the fourth may be paid voluntarily for pension purposes.

Economic Forecast

Presenting the Industry Act forecast (see Table 3), Mr Major emphasised that predictions were very difficult as a result of the Gulf crisis and its effects on world oil markets. Rising oil prices had been a factor in inflation in Britain and other countries and were likely to contribute to the general slowdown in the world economy. Mr Major assumed that oil prices would fall to around $25 a barrel by the end of 1991.

Public Finances

However, the tight economic policy of the past two years was likely to facilitate a sharp fall in inflation in 1991, along with increased output. In 1990-91 so far, public sector debt repayment had been below the level of the previous year and was below expectations set at the time of the Budget (see p 137). This had been due to a high level of borrowing by local authorities which had experienced delays in collecting non-domestic rates and the community charge. Central government spending had also been higher, and the economic slowdown had affected public corporations' finances. However, Mr Major anticipated a debt repayment of some £3,000 million for the year as a whole (see Table 4). This would be 0·5 per cent of gross domestic product (GDP) and represented a strong fiscal stance for the level of economic activity. Mr Major stressed that public finances should remain strong while the Government pursued its counter-inflationary policy and especially now that Britain had joined the exchange rate mechanism of the European Monetary System (see pp 338-9 and 378-80).

Demand and Output

Growth in demand and output had clearly slowed down sharply, with GDP forecast to grow by 1 per cent for 1990, and output in the second half of the year would be lower than in the first. Weak economic activity was likely to continue until early 1991, after which GDP was expected to grow. GDP was forecast to increase by over 2 per cent in the year as a whole and to be 0·5 per cent above the 1990 level.

Unemployment

Mr Major thought that unemployment could continue to rise, as it had since the spring. Job prospects would improve with a resumption in growth, especially if employers strictly controlled costs, including pay rises.

Consumer Spending

Growth in consumer spending had slowed markedly from over 7 per cent in 1988 to under 3 per cent, at an annual rate, in the first half of 1990. It was expected that consumer spending would continue to fall in line with lower growth of real incomes.

Table 3

Economic Prospects

	Outturn 1989	Forecasts 1990	1991
Output and expenditure at constant prices (percentage increase on previous year)			
Domestic demand	3	0·75	0·50
of which			
Consumers' expenditure	3·75	2·50	1·75
General government consumption	0·75	1·50	0·75
Fixed investment	4·75	–1.50	–1·75
Exports of goods and services	4·25	4·50	2·50
Imports of goods and services	7	2·50	1·25
GDP (average measure)	2	1	0·50
Non-North Sea GDP	3·25	1	0·75
Manufacturing output	4·25	0	–0·50
Balance of payments			
Current account (£000 million)	–19	–15·50	–11
Inflation			
Retail prices index (percentage increase between fourth quarters of successive years)	7·50	10·25	5·50

Business Investment

Business investment had risen by 45 per cent in the three years to 1989, bringing investment to the highest recorded level as a share of GDP. It was likely that investment would fall in 1991, as it had slightly in 1990, but this would still leave investment at over 50 per cent higher in real terms than in 1979.

Balance of Payments

The volume of imported goods had shown virtually no growth during the past year, as a result of low growth in domestic demand. The firm exchange rate had also led to a fall in import prices in recent months. Export growth, however, had remained strong, helping Britain's share of world trade in manufactured goods to rise for the second consecutive year. The deficit in visible trade had almost halved since mid-1989. However, generally poor figures for invisible trade over recent quarters had partly offset this. Mr Major expected the current account deficit in 1990 to remain close to the £15,000 million figure forecast in the Budget (see p 136). For 1991, the deficit was forecast to fall to £11,000 million as domestic demand and import growth were likely to remain low. As a proportion of GDP, the deficit was expected to fall from 3·75 per cent in 1989 to 1·75 per cent in 1991.

Inflation

Inflationary pressures had been brought firmly under control. This was confirmed by the monetary indicators. The growth of narrow money, M0, had fallen consistently since April and was now within the target range. Growth in broad money, M4, and lending had fallen sharply to 14·5 per cent and 15·5 per cent respectively. Given that demand and output had slowed markedly over the last two years, inflation was expected to fall during 1991. By the end

Table 4

Public Sector Debt Repayment

£000 million

	1989-90 outturn	1990-91 forecast in 1990 Budget	1990-91 latest forecast
General government expenditure	198·8	212·7	215·7
General government receipts	205·4	218·6	218·7
General government debt repayment	6·6	5·9	3·0
Public corporations' market and overseas debt repayment	1·4	1·0	0·0
Public sector debt repayment (PSDR)	7·9	6·9	3·0
As a percentage of GDP	1·5	1·25	0·5
PSDR excluding privatisation proceeds	3·7	1·9	–2·3
As a percentage of GDP	0·75	0·25	–0·5

of 1991, the inflation rate would not be affected by past mortgage rate rises, the high initial level of the community charge and petrol price rises, and so there would be a sharp fall in the 'headline' figure. Mr Major expected the headline figure to fall from the current annual level of 11 per cent to around 5·5 per cent in the fourth quarter of 1991.

Conclusion

In conclusion, Mr Major stated that the expenditure plans announced in the Autumn Statement honoured existing commitments, while providing additional resources for key areas, such as the health service, pensioners and investment. The plans were consistent with the tight fiscal and monetary policies designed to reduce the trade deficit and inflation. 'They are, in my judgment, the right policies for building on the economic achievements of the past decade.'

OPPOSITION VIEWS

For the official Opposition, Mr John Smith stated that current conditions in industry and commerce indicated that Britain was in the middle of a recession. Quoting statistics contained in the published Autumn Statement, Mr Smith maintained that the predicted fall in output for four quarters in 1990 and 1991 was tantamount to a recession. He also criticised the Government's record in forecasting developments in the economy, particularly the balance of payments and the level of inflation. Mr Smith said: 'We have received uncertain predictions from the Government and they have usually turned out to be incorrect. We have received poor policies and poor purposes. The most disturbing aspect of the Autumn Statement was the Chancellor's statement that there will be no change in economic policies. It was those economic policies which got us where we are now and they will make matters worse until they are changed.'

Offshore Safety

The report of the public inquiry into the Piper Alpha disaster, the most serious accident to occur anywhere in the history of offshore development, has been published. It makes 106 recommendations on, and advocates a new approach to, offshore safety.

The Piper Alpha fixed oil-production platform in the North Sea was destroyed by fire on the night of 6 July 1988 (see pp 320 and 354, 1988, and pp 197-8, 1989). It claimed the lives of 165 of the 226 persons on board and two of the crew of the fast rescue craft *Sandhaven* while it was engaged in rescue operations. In the following months, 137 bodies were recovered. With Lord Cullen as its chairman, the public inquiry in Aberdeen started in January 1989. Its report was published on 12 November.[1]

[1] *The Public Inquiry into the Piper Alpha Disaster*. Department of Energy. HMSO, £38 (two volumes – not sold separately). ISBN 0 10 113102 X.

THE CULLEN REPORT

The report is divided into four sections. In section I (chapter 3) the Piper Alpha platform and its equipment, communications and connections with other platforms are described. Section II (chapters 4-10) describes what happened on 6 July 1988. Section III (chapters 11-15) details the platform's safety, fire-fighting and training systems, and assesses the responsibilities of Occidental Petroleum (Piper Alpha's operator) and the Department of Energy. Lessons to be learned from the disaster and recommendations for the future are given in section IV (chapters 16-23).

The Disaster

An initial explosion, caused by a leak of gas condensate, occurred on the production deck of Piper Alpha at 22.00. This was followed by a fire at the west end of B module[1] (for oil separation and one of four production modules) and a fireball which erupted from its west face. The fire spread rapidly to C module (the gas compression module), and down to a level of 21 m (68 ft) above sea level. Dense black smoke engulfed the upper parts of the northern end of the platform. The initial explosion was followed by a series of smaller explosions. The former put Piper Alpha's main power supplies and control room out of action. It seems that the emergency shutdown system was activated and that the emergency shutdown valves on the gas pipeline risers [vertical pipes connected to pipelines to other platforms] probably closed, although extended flaring may have meant that one gas pipeline valve failed fully to do so. The other emergency systems, including the fire water system (see below), failed to operate. Gas pipelines leading to other platforms ruptured and intensified the blaze.

The condensate leak, the report concludes, happened when a condensate injection pump was activated while it was under repair. A blank flange fitted to the site of a pressure safety valve was not leak-tight. Failures in communication of information and in the permit to work system (see below) accounted for lack of awareness of the removal of the valve.

Rescue Work

The system for control in the event of a major emergency, as is shown in chapter 9, was rendered almost entirely inoperative. Smoke and flames outside the accommodation section, where many personnel were to congregate, made evacuation by lifeboat or helicopter impossible. Divers on duty escaped to the sea along with men on duty at the northern end and on the lower levels of the platform. At no stage was there a systematic attempt to lead men to escape from the accommodation.

Many organisations, vessels and aircraft were involved in the rescue and subsequent treatment of survivors. Lack of accurate information onshore caused initial delay and confusion. This, however, the report says, did not affect the death and injury toll. Events demonstrated the value of fast rescue craft and the bravery of their crews in getting close to the platform even where the fire was at its fiercest. They also demonstrated the shortcomings of the

[1] A module is a prefabricated unit, for production and accommodation purposes, placed on top of a platform.

converted trawler the *Silver Pit*, which was in attendance on Piper Alpha.

Cause of Death

The principal cause of death in 109 cases (including 79 recovered from the accommodation) was inhalation of smoke and fire. Fourteen men apparently died during an attempt to escape from the platform. Few died of burns.

Background to the Disaster

Permit to Work System

The report shows that the failure in the operation of the permit to work system[1] was not an isolated mistake. In a number of respects, it says, correct procedure was not adhered to and unsafe practices were followed. It points in particular to the inadvertent and unauthorised recommissioning of the gas condensate pump whose pressure safety valve had been removed for repair, and indicates that at handover on the evening of 6 July the night shift was not told that the valve had not been replaced.

Fire Water System

The report finds that, despite a recommendation to the contrary, the diesel fire pumps which operated the fire-water deluge system had been switched from automatic to manual mode. This inhibited the system in an unnecessary and dangerous way. Moreover, had the system been activated, 50 per cent of the deluge heads in C module would have been blocked with scale. Replacement of the deluge pipework, which had become corroded, was approved on 1 June 1988. The disaster came before the work could be carried out.

Training

As to training for emergencies, the report states that induction was cursory and, as far as demonstrating lifeboats and life rafts was concerned, not consistently given. Muster drills and the training of persons with special duties in an emergency did not take place with the frequency laid down in Occidental's procedures. The offshore installation managers and platform management did not show the necessary determination to ensure that regularity was achieved.

Occidental's Safety Management

Occidental, the report continues, should have been more aware of the need for a high standard of incident prevention and fire-fighting. The company relied on the absence of any feedback of problems as indicating that all was well. It failed to provide the training required to ensure that an effective permit to work system was practised. It did not involve itself in resolving the urgent problem of the deluge system. It omitted to see that emergency training was being provided as it intended. Platform personnel and management were not prepared for a major emergency as they should have been.

[1]A formal procedure, involving the use of written permits, to ensure that potentially dangerous jobs are done safely. It aims to make certain that responsibilities are defined, information is communicated, precautions are taken, and equipment is removed from, and returned to, service safely.

Piper Alpha and the Department of Energy

The Department inspected Piper Alpha in June 1987 and June 1988, the report states – part of a regular inspection programme to test the safety of North Sea installations. It says that the finding of these inspections, based on sampling, were in contrast to what was revealed in evidence at the inquiry. They were found to be superficial and of little use as a test of safety. Evidence to the inquiry underlined the difficulties that the Department had had in making up a persistent shortfall in qualified inspectors. The report also questions the adequacy of the guidance given to them. It concludes that the type of inspection practised by the Department could not be effective in assessing and monitoring the management of safety by operators.

The Future

Safety Assessment

Although such remote, but potentially hazardous, events as occurred on Piper Alpha had been envisaged, Occidental did not require them to be systematically assessed, the report says, nor did the offshore safety regime stipulate such an assessment. Operators of installations, the report continues, should be required by regulation to carry out a formal safety assessment (FSA) of major hazards – which would involve the identification and assessment of hazards over the life cycle of a project. The techniques include hazard and operability studies, quantitative risk assessment, fault-free analysis, human factors analyses, and safety audits.

Prevention and Mitigation of Incidents

The report states the need, under the FSA, for a temporary refuge for personnel during an emergency and preparations for evacuation. The FSA should also insist on passability of escape routes and accessibility of embarkation points and lifeboats.

Each operator should be required to demonstrate, the report urges, that the safety management system (SMS) is adequate to ensure that the design and operation of the installation and its equipment are secure. The company's SMS should set out safety objectives, the way they are to be achieved, the performance standards to be met and the monitoring of those standards.

The Future Regime

Operators should be required, Lord Cullen considers, to satisfy themselves, by means of regular audits, that an SMS is being adhered to. The regulatory body should be required to review an operator's audits as it thinks fit, and by regular inspection to verify that the SMS is working satisfactorily. It is stressed that this would involve a completely new approach to Britain's offshore safety regime, though consistent with the Health and Safety at Work etc. Act 1974 and the concept of self-regulation.

Many offshore safety regulations, the report says, impose solutions rather than objectives, and are out of date in relation to technological advances. Guidance notes are expressed in such a way as to discourage alternatives. There is a danger that compliance takes precedence over wider safety considerations and that sound innovations are discouraged. The principal regulations should require

stated objectives to be met. Guidance notes should give non-mandatory advice. In certain matters, however, the report considers it essential that detailed measures be prescribed.

Lord Cullen concludes that responsibility for offshore safety should be transferred from the Petroleum Exploration Division of the Department of Energy to the Health and Safety Executive (HSE), 'the principal source of safety expertise in [Britain]'. The HSE would have fewer difficulties recruiting staff, he says, and its practices are more consistent with the kind of change recommended in the report.

Recommendations

The 106 recommendations contained in chapter 23 of the report stress the importance of the Safety Case (1-13), by which each offshore company should produce an FSA to show that installation hazards have been identified and assessed, and are under control, with exposure of personnel to danger minimised. Regular audits should ensure that the SMS is being adhered to (14). The division of the HSE to be responsible for offshore safety should employ a specialist inspectorate and should have a clear identity and strong influence (25-6). The regulatory body, operators and contractors should support and encourage the involvement of offshore workers in safety (27). Attention should be paid to the training and competence of contractors' supervisors who are required to operate the permit to work system (33). Copies of all issued permits to work should be displayed systematically at a convenient location so that staff can readily see and check which equipment is under maintenance and not to be operated (38).

There should be better protection for accommodation areas, areas for temporary safe refuge, and for the control room (40-2 and 55-61). Emergency centres and systems need to be developed in the control room, which should be located within the area for temporary safe refuge. Evacuation, escape and rescue analyses should be submitted to the regulatory body (73-6). Individuals on board platforms should be equipped with a survival suit, life jacket, smoke hood, torch and fireproof gloves (85). There should be tighter regulations for standby vessels, drills, exercises, precautionary musters and evacuations (100-4), and emergency training (105-6).

SECRETARY OF STATE'S STATEMENT

In a statement in the House of Commons on 12 November (*Hansard*, Vol 180, No 4, cols 329-34), the Secretary of State for Energy, Mr John Wakeham, said that primary responsibility for safety had always rested with the operator. While regular Department of Energy inspections had shown up a number of deficiencies on Piper Alpha, including ones for which Occidental had been successfully prosecuted, the existing system did not sufficiently emphasise the auditing of Occidental's safety management.

The Government, Mr Wakeham said, accepted Lord Cullen's conclusions and recommendations, and was acting to implement a new regulatory system. He had written to the chairman of the Health and Safety Commission (HSC) about the transfer to the HSE of safety responsibilities. 'The Piper Alpha disaster was the most serious industrial accident in Britain in over 50 years. It was the most serious to occur anywhere in the history of offshore development.' Lord Cullen's far-reaching and comprehensive recommendations would have a lasting influence on the safety of offshore operations.

Since 1980, Mr Wakeham continued, when it had been decided to leave safety matters with the Department of Energy, the situation had changed. Developments in the North Sea had been considerable, the industry had become more complex, and the HSC had also developed. Safety was the top priority. 'The number of inspectors has doubled to 60 since 1980', he said. 'We have more than 120 officials engaged on safety matters. . . . We are actively seeking staff, we have put up their rates of pay by 23 per cent and we are recruiting more.' He was happy to accept Lord Cullen's recommendation that 40 per cent of the legal costs of the trade union group at the inquiry should be met from public funds.

Telecommunications

The Government proposes to end the current telecommunications duopoly and to consider applications for licences from companies wishing to provide telecommunications services. It has issued a consultative document, including proposals aimed at increasing competition, stimulating innovation and widening consumer choice.

Speaking in the House of Commons on 13 November (*Hansard*, Vol 180, No 5, cols 449-60), the Secretary of State for Trade and Industry, Mr Peter Lilley, said that the Government had given a commitment in 1983 that the so-called duopoly policy would be maintained for seven years and then reviewed. It was therefore publishing a wide-ranging consultative document[1] inviting comments on the proposals.

Background

Major changes took place in telecommunications in Britain during the 1980s,[2] with the privatisation of British Telecom (BT), formerly a public corporation, and the establishment of a second major telecommunications carrier, Mercury Communications (see pp 14-18, 1981, pp 80 and 271-2, 1982, pp 269-72, 1983, and pp 453-4, 1984). The Office of Telecommunications (OFTEL), a non-ministerial government department, was set up as an independent regulatory body for the telecommunications industry (see p 270, 1983). In 1983 the Government announced that for the next seven years it did not intend to license any operators other than BT and Mercury to provide the basic telecommunications services of conveying messages over fixed lines –

[1] *Competition and Choice: Telecommunications Policy for the 1990s*. Cm 1303. HMSO, £8·80. ISBN 0 10 113032 5.

[2] See COI reference pamphlet *Transport and Communications in Britain*, No 126/89.

the 'duopoly policy'. The situation would then be reviewed.

Two competing mobile radio telecommunications networks, Cellnet and Racal Vodafone, were licensed in 1985 to provide cellular radio telephone services (see p 39, 1983, and p 54, 1985). Over 1 million subscribers have been connected to their networks. Four operators were licensed in 1988 to provide second generation cordless telephone technology ('Telepoint', light portable telephones capable of making calls, but generally not receiving them, within about 100m of a public base-station). The base-stations are connected to the fixed network by exchange lines supplied by BT or Mercury.

The Peacock Report on financing the British Broadcasting Corporation (see pp 243-4, 1986) said that BT, Mercury and other telecommunications operators should be allowed to establish a national fibre-optic network as common carriers for a range of services, including delivery of television programmes. The Government responded that although it saw merit in the idea as a route to additional competition in the entertainments services market, it could inhibit the growth of competition in telecommunications networks. The recommendation would, however, be further examined when the duopoly policy was reviewed.

GOVERNMENT PROPOSALS

The consultation document makes a number of recommendations. Responses are invited by mid-January 1991, and the Government hopes to announce its conclusions as soon as possible thereafter. Topics covered include:

– local telecommunication networks, namely the circuits from the customer, up to and including the local exchanges;

– entertainment services carried on the local networks;

– trunk networks, which are the exchanges and circuits needed to connect calls made between local networks within Britain; and

– international networks, which are the circuits between the trunk networks in Britain and anywhere abroad.

Local Telecommunication Networks

It is proposed to allow new operators to run local telecommunications networks. The possibility of further entries into the market would put pressure on existing operators to provide a better service, even if no new entry were actually to take place.

The Director General of Telecommunications, the head of OFTEL, may reconsider whether to allow cable television franchise companies to provide telephone services in their own right within their franchise areas (at present, they can only do so as agents of BT or Mercury). This would be likely to increase the number of cable operators offering such a service, which at present is provided only on a very limited scale.

The Government proposes to consider sympathetically applications from existing mobile operators to provide fixed services. These might include links to fixed apparatus such as private branch exchanges; telemetry services such as linking remote sensors to a control network or activating machinery remotely; alarm services; links to Telepoint base-stations; and other services. The consultation document seeks further views on the nature and scope of such services.

Views are also sought about the possible expansion of Telepoint or other technical solutions to provide the final link between customers and the fixed network by radio. Such services could, it is considered, substantially enhance the effectiveness of the existing Telepoint services.

Consideration is also given to the establishment of telecommunications 'retailers'. Under such a system, the retailers would deal directly with customers, providing a contract for telecommunications services. They would then arrange with the operators for the service to be provided. This would require that the operators' present licences be amended to oblige them to deal with such retailers on an equal footing with their own retailing operations.

Entertainment Services on Local Networks

It is proposed to allow BT and others to provide entertainment services, such as cable television, over their main network from ten years after the completion of the review, although this date might be brought forward if, after seven years, the Director General advises it. Before then, the Government does not intend to allow existing telecommunications operators to convey entertainment services, as this would risk creating a dominant common carrier and prevent genuine competition. Parent or subsidiary companies of telecommunications operators would be able to tender for local delivery franchises advertised by the new Independent Television Commission (see pp 37-43).

Trunk Network Services

The Government may consider favourably applications for new licences in all or part of the trunk network. The progressive introduction of 'equal access' is also likely to be supported, provided that it would in practice mean more effective competition. Under an equal access policy, the customers of a local network would have the opportunity to use the trunk carrier of their choice. Such a system is used in the United States, and a form of equal access is used in Britain by Kingston Communications in Hull (Humberside).

The Director General may seek to amend the licences of fixed network operators to oblige them to provide services to other public telecommunications operators, even where the other operator is itself authorised to provide the circuit. This, it is considered, would facilitate the entry of new operators by enabling them to rely on leased lines while their own networks were being built up.

International Services

According to the Director General's recent study of international pricing,[1] BT still has a clear monopoly power in this area, and its profits have increased sharply since 1988. He therefore announced his

[1] *International Telephony: Simple Resale and Control of Prices.* Available free from OFTEL, Export House, 50 Ludgate Hill, London EC4M 7JJ.

intention of seeking a price cap on BT's international services.

The Government may consider favourably applications for new licences to provide a full range of international services. It is also proposed to liberalise the full range of two-way satellite services where there is no direct link to the fixed network.

BT Tariffs and Other Matters

At present, BT's domestic tariffs are capped so that the average annual increase is 4·5 percentage points below the increase in the Retail Prices Index. The Director General does not propose to change these arrangements before they are reviewed in 1993. He is, however, prepared to consider proposals from BT to allow it to offer discounts to certain customers.

The Government is proposing a class licence for telecommunications circuits provided by companies for their own use. These could be interconnected to the public network if the company so wished. However, if they wanted to sell capacity on such circuits to others, this would have to be considered on the same basis as network operation.

GOVERNMENT VIEW

The Secretary of State said that Britain enjoyed one of the most open and dynamic telecommunications markets in the world. Over the past ten years, competition had been introduced into all sectors of the market. The main operating company, BT, had been privatised. The benefits of those decisions were now clear: customers had a choice of equipment to buy; they no longer had to wait months for the installation of a telephone line; prices had fallen by over 20 per cent in real terms since the privatisation of BT; and Britain had the two largest mobile phone networks in the world. The benefits had been greatest, Mr Lilley added, where competition was strongest and the market most open. It was time to build on those achievements by further opening up the market to increased choice and competition.

The main proposal was to end the present duopoly; there would in future be a presumption that licence applications would be granted unless there were specific reasons not to. There was as yet little competition in local network services, but the Government wanted to encourage cable television companies, for which franchises covered 70 per cent of the country, also to provide telecommunications. Progressive introduction of equal access would give customers greater choice over who carried their calls. He also proposed that utilities should be able to develop their assets for telecommunications purposes, provided that the resulting competition was fair and in the private sector.

The Secretary of State said that Britain had already benefited from government policies of privatisation and competition. Other countries were now following the same example. Because of Britain's lead, it was becoming a telecommunications 'hub' for Western Europe. 'The Government are committed to reinforce that lead and to ensure that consumers have the widest possible choice of high quality services at the most competitive price.'

Shorter Notes

DISTRIBUTION OF PERSONAL WEALTH

The Inland Revenue has published new information on the distribution of personal wealth in Britain. Based on recent analysis, it includes revised estimates of the distribution of marketable wealth from 1976 to 1988, for which year only provisional figures are available.

The article describes the current methods used by the Inland Revenue to estimate the marketable wealth of individuals. Since 1962 the Inland Revenue has published annual estimates of the distribution of personal wealth based on the estate multiplier method. This uses the estates of persons who die in a year as a sample of the wealth of the total living population. However, this method has several limitations. First, data are available only for estates reported for the purposes of inheritance tax and capital transfer tax; therefore, it is not possible to take account of the smallest estates, joint property holdings and property affected by special trusts. Secondly, estimates for young people are based on small numbers and are, therefore, unreliable. Thirdly, the estate multiplier method cannot cover assets that are transferred during a lifetime.

In 1975 the Royal Commission on the Distribution of Income and Wealth reported on the limitations of this method and, in the light of that report, the Inland Revenue's methods were revised. Currently the Inland Revenue estimates wealth by using the estate multiplier method combined with data contained in the Central Statistical Office personal sector balance sheet. This includes the net wealth of households, unincorporated businesses and private non-profit-making bodies.

Revised estimates of wealth distribution, obtained by the above methods, suggest several trends for the period 1976 to 1988. While there has been little change in the overall distribution of marketable wealth of individuals, the share of the wealthiest 1 per cent of the population has fallen from 21 per cent of the nation's wealth in 1976 to 17 per cent in 1988. Conversely, during the same period the top 25 per cent has increased its share from 71 per cent to 75 per cent.

During the period, there was a significant increase in the wealth holdings, in real terms, of all the groups analysed. The proportion of adults owning net assets worth more than £5,000 (in 1988 values) has increased from about half to two-thirds of the population; the proportion with assets over £50,000 has doubled, from 7 per cent to 14 per cent.

Detailed information on the distribution of wealth is available only for the 'identified' population, which accounts for less than 50 per cent of the adult population. The identified population includes all adults for whom a grant of representation would be obtained on death; the grant is the legal authority that empowers executors or administrators of a will to administer the estate. (A grant of representation is not required in the case of smaller estates consisting of cash, National Savings certificates, bank and building society accounts, insurance policies and consumer durables.)

The assets (minus liabilities) of the identified population are termed identified wealth. During the

period 1976 to 1988, the proportion of identified wealth in land and buildings rose from 39 per cent to 47 per cent; conversely, the proportion in liquid assets (cash, bank deposits, company shares and government and municipal securities) fell from 31 per cent to 25 per cent. These differences were accentuated by the rapid rise of house prices in 1988 and the sharp fall in share values in late 1987 (see pp 368-9, 1987). However, in 1986 there was a marked shift towards investment in property, with 45 per cent of identified wealth held in land and buildings in that year, against 29 per cent held in liquid assets.

Source: *Economic Trends*, October 1990. Central Statistical Office. HMSO, £10. ISBN 0 11 620412 5.

COALMINING SUBSIDENCE

The Government has announced that it will introduce a coalmining subsidence Bill as soon as parliamentary time permits.

The Department of Energy has conducted a review of the procedures for resolving disputes over coalmining subsidence damage (see pp 226 and 296-7). As a result, British Coal plans, by the end of 1990, to introduce a scheme administered by the Chartered Institute of Arbitrators. This, the Government hopes, will provide a cheaper, quicker and simpler means of resolving disputes. British Coal also intends to introduce a pilot scheme, extending to all mining areas by summer 1991, to notify householders of its mining plans.

British Coal has said that it will accept claims for damage caused by subsidence within six years of the damage occurring or within six years from when it would have been reasonable for the claimant to have known that damage had occurred.

Source: Department of Energy news release, 7.11.90.

SEAT BELTS

The Government proposes that from the beginning of July 1991 adult passengers in the rear seats of cars and taxis would be obliged to use seat belts. Making the announcement in the House of Commons on 16 November (*Hansard*, Vol 180, No 8, cols 807-18), the Minister for Roads and Traffic, Mr Christopher Chope, said that the new regulations, which would apply to Great Britain and be subject to parliamentary approval, would mean that:

– passengers would have to use rear seat belts in all cars where they are fitted, whatever the age of the vehicle;

– as with front seat belts, compliance would be the responsibility of the passenger, not the driver;

– seat belts would not need to be fitted to older vehicles which had not been originally equipped with them; and

– exemption would apply only where restraints were already in use by other passengers or where a medical certificate exempted the holder from wearing a belt.

The penalty for non-compliance would be a fine of up to £100, as in the case of front seat belts.

Since September 1989 it has been obligatory for children under 14 to wear rear seat belts in cars fitted with them. Drivers and front-seat passengers have had to wear seat belts since 1983.

A recent consultation paper outlines the case for the compulsory wearing of rear seat belts. The introduction of mandatory front seat belt wearing in 1983 caused the usage of front seat belts to rise to 95 per cent, up from 40 per cent in 1982. It has since remained at about 95 per cent. Considerable benefits have resulted, including the prevention of an estimated minimum of 200 deaths and 7,000 serious injuries every year. Belts have been fitted to the rear seats of all new cars and taxis since 1987. As many manufacturers chose to fit rear seat belts before then, and many owners have voluntarily fitted them to pre-1987 cars, about 60 per cent of all cars are already fitted. This figure is expected to rise to cover almost the entire stock by the mid-1990s. It is estimated that the mandatory wearing of rear seat belts would prevent 80 deaths and 1,000 serious injuries in the first year.

Mr Chope said that extending the law on seat belt wearing would reduce injuries among front-seat as well as rear-seat passengers in the event of a crash. It would make a major contribution towards the Government's target of reducing road accident casualties by a third by the year 2000.

Sources: *Seat Belt Wearing* (available free from the Department of Transport, Room C18/21, 2 Marsham Street, London SW1P 3EB); Department of Transport news release, 16.11.90.

SCIENTIFIC RESEARCH

New arrangements are to be introduced for the funding of scientific research carried out in Britain's universities, polytechnics and other higher education institutions. From 1 August 1992, research councils, which support such scientific research, will be responsible for the funding of all projects. The educational institutions, however, will continue to provide the salaries of academic staff and to meet the costs of premises. Government funding for the research councils and for the institutions will be adjusted to reflect the change in responsibilities.

Source: Department of Education and Science news release, 8.11.90.

Disability Benefits

Two new benefits for disabled people are proposed in the Disability Living Allowance and Disability Working Allowance Bill, which received an unopposed second reading in the House of Commons on 21 November. If implemented, the proposals would improve the help offered to disabled people under pension age with the extra costs arising from their disability and would make it easier for disabled people to take up jobs.

Background

The Bill implements proposals outlined in the White Paper *The Way Ahead: Benefits for Disabled People*, published in January 1990 (see pp 84-8). In response to comments from disabled people and their organisations, the working titles of the proposed benefits have been changed to reflect the purposes of the benefits more closely and to ensure that they would be received and claimed by the people for whom they were intended. The proposed new benefits are: disability living allowance (formerly disability allowance) and disability working allowance (formerly disability employment credit).

At present there are two benefits which offer help with the extra costs of being disabled:

1 Attendance allowance: a non-contributory benefit payable to severely disabled people who need frequent supervision. It is payable, with no upper age limit, at either a higher or lower rate depending on the amount of attention required.

2 Mobility allowance: a non-contributory flat-rate benefit paid to people who are unable or virtually unable to walk because of physical disablement. Those aged between 5 and 66 may claim, and payment can continue up to the age of 80.

The numbers receiving these benefits have been rising, to 795,000 a year for attendance allowance and 615,000 for mobility allowance. (For details of the latest social security benefit rates, including those for disabled people, see pp 391-3.)

Main Provisions of the Bill

Disability Living Allowance

This benefit would amalgamate attendance allowance and mobility allowance for people whose disabilities started before the age of 65 and would extend help to groups of moderately-to-severely disabled people below working age who until now have failed to qualify for these benefits. Two new lower rates of disability living allowance would be introduced for these groups to cover care and mobility needs. The upper age limit for mobility allowance would be abolished. It is expected that the new benefit would help 300,000 people and would increase annual spending on disabled people by £240 million by 1993-94.

Disability Working Allowance

This benefit aims to promote the independence of people with physical or mental disabilities. It would be available to claimants who chose to work to the full extent of their capacity, with earnings being supplemented by benefit. This would include people so disabled that they could work only 16 hours a week, with the result that many part-time workers would be eligible. The benefit would be income-related, with a gradual reduction in the amount of benefit payable once an income rises above a given threshold.

Recipients whose attempt at work failed within two years would be able to return to the incapacity benefit that they were getting before starting work, without having to serve the usual qualifying period. It is expected that the new benefit would eventually help 50,000 people and would cost £80 million a year, although savings elsewhere would broadly offset these costs.

Assessment Procedures

The Bill introduces new assessment and adjudication procedures, including access to a new independent disability appeal tribunal. The use of medical examinations to obtain information about claimants' capacities and needs would be avoided wherever possible. There would be much greater reliance on self-assessment backed up by evidence from professionals familiar with the individual case.

Secretary of State's Speech

Moving the second reading of the Bill in the House of Commons (*Hansard*, Vol 181, No 11, cols 311-53), the Secretary of State for Social Security, Mr Tony Newton, said that the Bill concerned not only the need of disabled people for help from the benefit system but 'no less important, their wish for greater independence and for greater control over their own lives'. The proposals broke new ground in shifting the benefit system away from focusing exclusively on incapacity towards doing more to encourage people with disabilities to make the most of their existing capacity.

The proposals, said Mr Newton, should be seen in the context of other developments in social security

policy for disabled people. He reminded the House of the Government's three main aims in providing benefits for disabled people. These were:

– to improve the balance of benefits available to people unable to work, particularly those disabled from birth or early in life;

– to improve the coverage of help for the extra costs associated with disability, especially for those of working age and below; and

– to help those disabled people who wished to work by making it easier for them to take up and keep jobs.

The proposals before the House, said Mr Newton, addressed the second and third of these objectives.

Special Education

In a speech in London on 29 October, the then Secretary of State for Education and Science, Mr John MacGregor, outlined the progress made in reforming special education during the 1980s and looked forward to the prospect of further improvements in the 1990s.

Background

The Education Act 1981, which applies to England and Wales and which came into force in 1983, introduced the concept of the 'special educational needs' of the individual child to replace the former system of education related to categories of handicap (see pp 79-80, 1981, and p 246, 1987). Special educational needs comprise learning difficulties of all kinds, including mental and physical disabilities which hinder or prevent learning (see p 264).

In the case of children whose learning difficulties are severe or complex, local education authorities are required to assess the child's special educational needs and to provide a statement or record of those needs. Wherever possible, children with special needs are educated in ordinary schools, provided that the parents' wishes have been taken into account, and that this is compatible with meeting the needs of the child, with the provision of efficient education for the other children in the school, and with the efficient use of resources.

There are nearly 1,900 special schools in Britain, including those run by voluntary organisations. They cater for a wide variety of pupils – some 120,000 – who cannot be educated at ordinary schools.

SECRETARY OF STATE'S SPEECH

Addressing a conference organised by the Spastics Society, Mr MacGregor said that the Government attached great importance to special education. The Education Act 1981 was widely recognised as a landmark in developing understanding of the needs of those with learning difficulties and of disabled children. The Act placed 'the individual special educational needs of children at the centre of the process so that, instead of fitting the child to the system, the system serves the child'.

Under the 1981 Act a thorough and logical process was established for assessing a child's special educational needs and for identifying how those needs should be met. Parents had the opportunity to become fully involved in the assessment of their children's needs and in their development. The framework provided by the Act had given many thousands of children a more appropriate and challenging experience of school.

Integration

The Secretary of State went on to say that most children with special needs were best served by being educated in ordinary rather than special schools. One of the main aims of the 1981 Act was to encourage their integration into the mainstream education system. Between 1983 and 1989 the percentage of pupils with statements of their needs [see above] being educated at ordinary schools had more than doubled to 35 per cent of the total, and the numbers were expected to rise. Successful integration required rigorous preparation in addition to in-service teacher training and a phased introduction of the pupils concerned.

Assessment of Special Needs

Careful work on assessment was the essential first step towards effective provision for a child with special educational needs. Evidence pointed to the greater effectiveness of intervention in the early years, and so identifying special needs early was crucial. Fair, thorough and quick procedures should lead to detailed and clear statements which were of real value to teachers, Mr MacGregor continued. Annual reviews would ensure that statements reflected a child's development. A time span of six months, from notification of assessment to production of a draft statement, was what local education authorities should aim to achieve. Parental involvement in the formal procedures of assessment and preparation and reviewing of statements was in the best interests of the child.

Information Technology

As a result of major developments in information technology (IT) in the field of special education, reliance on IT was increasingly improving the quality of education for children with special educational needs (see p 399).[1] Using word processors, blind pupils could put text directly into a computer from braille and obtain a braille print-out or synthesised speech. Children with communications difficulties could gain access to the curriculum by using computers fitted with special switches. The Government would be making specific grants available in 1991 in support of IT in special schools and IT for children with communications difficulties.

Voluntary and Independent Sectors

Independent and other non-maintained special schools, such as those run by the Spastics Society, played a vital role, said Mr MacGregor. However, when local education authorities placed children in these schools, they ought to monitor their progress systematically and consider most carefully whether

[1]For further information on the use of IT in special as well as mainstream education, see COI reference paper *Information Technology in Britain's Schools*, No 239/90.

the needs of the children concerned were being adequately met.

The Government planned to introduce a system under which independent schools wishing to obtain or to maintain government approval for admitting pupils with statements would be required to have suitable premises, sufficient qualified staff, and an appropriate curriculum. They would also be obliged to promote the health and welfare of their pupils. Approved independent schools would have to meet similar standards to those already required in maintained and non-maintained special schools.

Local Education Authorities

Provision for children with special educational needs was nearly always more costly than that for the majority of pupils. In 1979 the Government had spent £250 million on special schools in England; by 1988-89 the figure had increased to over £600 million, a rise in real terms of 30 per cent. It was essential, therefore, that local education authorities and individual schools should develop an overall strategy for catering for special needs in order to make the most efficient use of resources.

A clear, public, special education policy, which was regularly reviewed, was to everybody's advantage – teachers, other professionals, parents and local education authorities. For example, such a policy would clarify the respective roles of inspectors, advisory teachers, educational psychologists and peripatetic support teams; at the same time it would enable parents to be clear about their rights and obligations.

Curriculum and Assessment

The National Curriculum (see p 426, 1987) was designed to guarantee to all pupils, including those with special educational needs, access to a coherent curriculum which encouraged them to achieve their full potential.[1] The achievements of children with special needs in acquiring fundamental skills (literacy, numeracy and basic science, for example) should be assessed in the same way as those of other pupils and their parents given an annual written progress report.

In drawing up plans for in-service teacher training related to the National Curriculum, local education authorities should bear in mind the importance of including teachers of children with special needs.

Local Management Schemes

Mr MacGregor said that there was no reason to believe that delegating authority to schools, as provided for under the Education Reform Act 1988 (see pp 426-8, 1987, and p 287, 1988), would not benefit pupils with special educational needs in mainstream schools. Local decision-making combined with funding based on an open, clear and objective formula led to a better use of resources and made schools more responsive to the needs of their pupils, including those with special needs. In any case, local education authorities retained responsibility for ensuring compliance with statements for pupils in schools with delegated budgets.

The Government was considering the possibility of allowing local education authorities to extend local management schemes to special schools.

[1]For further information on the National Curriculum and other education reforms, see COI reference paper *Education Reform in Britain*, No 301/89.

Broadcasting Act 1990

The Broadcasting Bill received the Royal Assent on 1 November. A substantial number of amendments were made to the Bill during its passage through Parliament, some of the more important of which are outlined below.

The main aim of the Act[1] is to lay the foundations for a more competitive and efficient broadcasting framework in Britain, giving viewers and listeners much greater choice while safeguarding quality and diversity as well as high standards of decency and good taste. The Act received its second reading in the House of Commons on 18 December 1989 (see pp 37-43).[2]

Amendments

Quality

Although licences for Channels 3 and 4 and certain other services are to be allocated by competitive tender, the Act now specifies that a bid to provide a service of exceptionally high quality can be accepted in preference to the highest money bid for a licence.

The quality threshold is further strengthened for Channel 3 and 5 licences by the addition of requirements for the inclusion of children's and religious programming as well as high-quality regional news. The Independent Television Commission (ITC), which takes over from the Independent Broadcasting Authority (IBA) and the Cable Authority on 1 January 1991, is empowered to publish an illustrative specification of the elements of programming which it would expect to see in a diverse programme service.

Termination of contract penalties can be levied on Channel 3 and 5 and national radio licensees.

Radio Authority

The new Radio Authority is given powers to ensure that the three new national commercial radio channels are different from one another, with one being speech-based and one devoted to music other than pop music. It is also empowered to consider how far new services would cater for tastes and interests that are different from those already covered in any area. The Authority, to be established on 1 January 1991, sets a quality requirement for independent radio services taken as a whole.

Regional Television

The regional nature of Channel 3 services is strengthened by the introduction of distinct regional programming directed at different areas within regions. Also, the ITC is to require applicants for licences to specify which regional resources and facilities they plan to use. Scotland will not be a single franchise area.

[1]*Broadcasting Act 1990*. Ch 42. HMSO, £15·60. ISBN 0 10 544290 9.

[2]This article has been offprinted as COI reference paper *Reform of Broadcasting in Britain: Legislative Proposals*, No 341/90.

Impartiality
Unlike the IBA, the ITC will not broadcast programmes. Licensees will take on this role and, as a result, they will need to understand what is expected of them in terms of impartiality. Amendments have been introduced so that the areas to be covered by the ITC code on impartiality are now specified. National radio, like television, is to be made subject to the 'due impartiality' test rather than the less demanding test for 'undue prominence', which remains in place for local radio.

Religious Programmes
The ITC and the Radio Authority must publish guidance on their criteria for deciding whether any religious group may be disqualified from holding satellite, cable or radio licences; no religious group is permitted to hold a national radio licence. Religious programmes are not allowed to exploit their audiences improperly, nor to abuse the religious views of others.

Networking
Channel 3 licensees are required to operate a national programme network, with the ITC having power to impose a network agreement if licensees do not themselves implement a voluntary agreement. Networking arrangements on the basis of a specified competition test are subject to government approval to ensure that they do not lead to anti-competitive practices.

Training
The role of training in sustaining programme planning is recognised through the establishment of ITC powers obliging Channel 3 and 5 licensees to submit proposals for staff training and for encouraging training of independent producers from whom they commission work.

Takeovers
There will be a moratorium on takeovers of licensees of Channels 3 and 5, direct broadcasting by satellite (DBS) stations and national radio lasting from the time of the award of a licence to the end of the first year after broadcasting begins.

IBA's Transmission System
At present the IBA owns and operates its own transmission system. There is now provision for the privatisation of this system.

British Broadcasting Corporation
The BBC takes on a statutory duty to acquire 25 per cent of its original programming from independent producers.

Other Amendments
The Act strengthens existing legal powers to control 'pirate' (illegal) radio broadcasting. A public teletext service similar to the present IBA Oracle service will continue to be provided. Targets are to be set so that subtitling will be available for deaf people on half the programme output of Channels 3 and 5 within five years. Channel 3, 4 and 5, DBS and national radio licensees are obliged to operate equal opportunities policies.

Shorter Notes

SIMPLIFIED PLANNING ZONES

The Government's decision to proceed with proposals to streamline the procedure for the declaration of simplified planning zones (SPZs) was announced on 16 November by the then Minister for Housing and Planning, Mr Michael Spicer. Appropriate provisions will be included in the Planning and Compensation Bill (see p 371).

SPZs were provided for in the Housing and Planning Act 1986 (see pp 101-2, 1986), the relevant part of which came into force in late 1987. Within an SPZ, advance planning permission is given for certain types of specified development, removing the need for a developer to make separate planning applications for each proposal. Zones last for ten years from designation.

Following research which showed that procedures for the designation of an SPZ were widely perceived as cumbersome and time-consuming, the Government published a consultation paper in August 1990. This proposed streamlining procedures in several ways. It was suggested that public consultation before the deposit of a scheme should become optional, although the planning authority would still have to consult specified interests, such as the Secretary of State for Transport. A proposed scheme would have to be deposited for six weeks for objections, and have this notified in a local newspaper. A public inquiry to hear objections would no longer be obligatory, but the authority would still have to consider objections in writing. It is also proposed to allow earlier publication of intention to adopt a scheme, so that, if no objections are received, schemes can be implemented more rapidly.

Mr Spicer said that the Government had received about 50 responses to the consultation paper. Some respondents had expressed concern about the proposal to end the mandatory public inquiry. However, objectors to major planning applications, to which SPZs were in many respects analogous, had no right to an inquiry unless the application were called in for determination by the appropriate Secretary of State. Other respondents had suggested that guidance should be issued on the circumstances in which the Government would expect an inquiry to be held, and this would be done.

Source: Department of the Environment news release, 16.11.90.

ARCHAEOLOGY AND THE PLANNING SYSTEM

The Government has published new guidance on how archaeology should be handled in the planning system. Announcing the guidance on 20 November, Baroness Blatch, Parliamentary Under-Secretary of State at the Department of the Environment, said that it should help ensure that the desirability of preserving archaeological remains was fully considered before planning decisions were taken.

The guidance note, which applies to England and

Wales, was published in response to a consultation document issued in February 1990. The Government had received more than 200 responses. The guidance note advises that:

1 archaeological remains are finite, non-renewable and in many cases highly vulnerable;

2 development plans should reconcile the need for development with the interests of conservation and archaeology, and should include policies for the protection and preservation of sites of archaeological interest;

3 there should be a presumption in favour of the preservation of nationally important remains affected by proposed development;

4 developers should discuss their plans with the planning authority at an early stage so as to reduce the potential for conflicting interests; and

5 when permitting development that may be damaging, planning authorities should ensure that the developer satisfactorily excavates and records the site, either through a voluntary agreement or by imposing a suitable condition on the planning permission.

Sources: Department of the Environment Planning Policy Guidance note PPG 16, *Archaeology and Planning*; Department of the Environment news releases, 20.11.90 and 21.11.90.

BATHING WATERS

Provisional results of a survey of Britain's bathing waters, announced on 14 November, show that there was another improvement in quality in the 1990 season. Details have also been given of the first phase of the £1,500 million investment programme to treat sewage discharges in coastal waters.

The results, announced in the House of Commons by the then Secretary of State for the Environment, Mr Chris Patten, and Lord James Douglas-Hamilton, Parliamentary Under-Secretary of State for Scotland, showed that 77 per cent of the 446 identified bathing waters in Britain met the coliform bacteria standards of the European Community bathing waters directive. This compares with 76 per cent of the 440 identified waters in 1989 (see pp 121-2). In England and Wales, 318 out of 407 bathing waters met the standards in 1990. Of Scotland's 23 bathing waters, 12 passed the test. In Northern Ireland, 15 out of 16 waters met the standards.

Mr Patten said that, although these results maintained the steady improvement of recent years, more urgent action was needed to bring all British bathing waters up to the highest standards. He had previously announced that in future all substantial discharges of sewage into the sea would be treated at a sewage treatment works (see pp 120-1). The cost of this programme had been estimated at some £1,500 million. Following discussions with the water companies, he was now able to announce that about £600 million of this would be spent on 40 improvement schemes over the next five years to provide additional treatment. This was in addition to the £1,400 million programme already announced to bring bathing waters into compliance with the directive. Many bathing waters would be improved sooner and the standard of treatment would be better than previously planned. The Government aimed to complete by 1995 the improvement programme for all waters currently not in compliance, although there were indications that this might not be practicable for nine large schemes with technical difficulties.

Lord James Douglas-Hamilton said that provision for capital works to improve water and sewerage services in Scotland amounted to more than £500 million over the period 1990-93. As a further measure, he announced that, subject to parliamentary approval, the Government was making available to sewerage authorities in Scotland up to £130 million in grants over the next three years for projects which would bring environmental benefits, including bathing water improvements.

Commenting on the results for Northern Ireland, Dr Brian Mawhinney, then Parliamentary Under-Secretary of State for Northern Ireland, said that Northern Ireland was maintaining high standards of water quality. He was confident that with the recent commissioning of new sewage treatment works at Newcastle (County Down), the only bathing water which did not comply with the standard in 1990, there would be a significant enhancement of water quality in 1991.

Sources: *Hansard*, Vol 180, No 6, written answers, cols 164 and 170-1; Department of the Environment, Scottish Office and Northern Ireland Office news releases, 14.11.90.

ENHANCEMENT FUND FOR THE ARTS

A new funding scheme to help major arts companies in England, Wales and Scotland improve their output and management was announced on 9 November. The Enhancement Fund, which will be worth £22·5 million over three years, will enable companies in financial difficulties to tackle their overspending and at the same time maintain the quality of their work. It will provide selective assistance to both large and small companies and will also be available to companies which are not in financial difficulties. The Government considers that to do otherwise would be unfair to those companies which have been artistically excellent and kept their affairs in good financial order. The Fund will also provide companies with opportunities to attract finance from elsewhere, on a matching or near matching basis.

A detailed scheme will be drawn up by the Arts Council (see pp 150-1).

Source: Office of Arts and Libraries news release, 9.11.90.

General

Britain 1991: An Official Handbook. A reference book prepared by the Central Office of Information on behalf of the Foreign and Commonwealth Office. HMSO, £15·95. ISBN 0 11 701550 4.

Government and Administration

Britain's System of Government (offprinted from *Britain 1991: An Official Handbook*). COI, No 21/90.

Justice and the Law in Britain (offprinted from *Britain 1991: An Official Handbook*). COI, No 179/90.

Economic and Scientific Affairs

Autumn Statement 1990 (see pp 426-30). HM Treasury. Cm 1311. HMSO, £9. ISBN 0 10 113112 7.

Inland Revenue Statistics 1990. Board of Inland Revenue. HMSO, £16·95. ISBN 0 11 641386 7.

Board of Inland Revenue. Report for the Year Ending 31st March 1990. One Hundred and Thirty Second Report. Cm 1321. HMSO, £14·30. ISBN 0 10 113212 3.

Training Statistics 1990. HMSO, £10·50. ISBN 0 11 361319 9.

Companies in 1989-90. Department of Trade and Industry. The annual report on British companies notes the incorporation of 126,000 companies and the deregistration of 84,000 during the year ended 31 March. Also covered are developments in company law, both at national and European Community level, and the activities of Investigations Division and Companies House. HMSO, £13·95. ISBN 0 11 515266 0.

Intervention Board for Agricultural Produce: Management, Accountability and the Prevention of Fraud (see p 263). Fortieth report from the House of Commons Committee of Public Accounts, Session 1989-90. HMSO, £5·85. ISBN 0 10 250390 7.

Plasticisers: Continued Surveillance. Food Surveillance Paper No 30. The thirtieth report of the Steering Group on Food Surveillance, a government advisory committee, recommends that there should be toxicological studies on chemicals used in food packaging, including the plasticiser ATBC. It also recommends that plastics film of a type used to wrap food should not be used in conventional ovens; nor for wrapping food or lining dishes when cooking in a microwave oven; nor for wrapping foods with a high fat content, such as cheese. Ministry of Agriculture, Fisheries and Food. HMSO, £6. ISBN 0 11 242905 X.

The Public Inquiry into the Piper Alpha Disaster (see pp 430-2). Department of Energy. HMSO, £38 (two volumes – not sold separately). ISBN 0 10 113102 X.

Fifth Special Report. Government Observations on the Third Report from the House of Commons Energy Committee on the Flue Gas Desulphurisation Programme, Session 1989-90. Report with an Appendix, together with the Proceedings of the Committee. HMSO, £1·60. ISBN 0 10 266290 8.

Your Driving Test. A Driving Standards Agency publication which explains in full the syllabus that learner drivers and motor cyclists need to cover to pass the driving test, including the most recent addition to the test, reverse parking. HMSO, £2·25. ISBN 0 11 550976 3.

Seat Belt Wearing (see p 435). A consultation document on government proposals to extend the law on seat belt wearing to rear-seat adult passengers in cars and taxis. Available free from the Department of Transport, Room C18/21, 2 Marsham Street, London SW1P 3EB.

International Road Haulage by United Kingdom Registered Vehicles – Report on 1989. Transport statistics report. Department of Transport. HMSO, £12·75. ISBN 0 11 550998 4.

Bus and Coach Statistics 1989-90. Department of Transport. HMSO, £11. ISBN 0 11 550997 6.

Railway Safety. Report on the safety record of the railways in Great Britain during 1989. Railway Inspectorate. Department of Transport. HMSO, £9. ISBN 0 11 550991 7.

Marine Accident Investigation Branch Review for 1989. Includes statistics formerly contained in the publication *Casualties to Vessels and Accidents to Men.* Department of Transport. HMSO, £3·85. ISBN 0 11 550994 1.

Competition and Choice: Telecommunications Policy for the 1990s (see pp 432-4). Cm 1303. HMSO, £8·80. ISBN 0 10 113032 5.

Environmental, Social and Cultural Affairs

Archaeology and Planning (see pp 439-40). Department of the Environment Planning Policy Guidance note PPG 16. HMSO, £3·75. ISBN 0 11 752353 4.

Environmental Protection in Britain (offprinted from *Britain 1991: An Official Handbook*). COI, No 357/90.

Britain's Environmental Strategy (reproduced from the *Survey of Current Affairs*). COI, No 361/90.

Nature Conservancy Council 16th Report. Covering the period 1 April 1989 to 31 March 1990. Available from the NCC publications department, Northminster House, Peterborough PE1 1UA. £7·50. ISBN 0 86139 682 0.

Aspects of Islam in Britain. COI, No 72/90.

Family Expenditure Survey 1989. Results of the Central Statistical Office's survey of household income and expenditure for 1989. HMSO, £18. ISBN 0 11 620448 6.

Mortality Statistics: Childhood 1986, 1987. Office of Population Censuses and Surveys series DH6. HMSO, £12. ISBN 0 11 691325 8.

Trading Down and Moves out of Owner Occupation. Tricia Dodd and Paul Hunter. Report of a 1988 survey to examine the circumstances of people moving to less expensive property or leaving the owner-occupied sector altogether. Office of Population Censuses and Surveys series SS1290. HMSO, £7·25. ISBN 0 11 691316 9.

Education: Facts and Figures. Government Statistical Service. A pocket guide providing data on school and post-school education in England for 1988-89. Available free from the Department of Education and Science, Statistics Branch, Elizabeth House, York Road, London SE1 7PH.

Equal Opportunities for Women in the Civil Service: Progress Report 1990 (see pp 408-10). Cabinet Office (Office of the Minister for the Civil Service). HMSO, £2·50. ISBN 0 11 430049 6.

Equal Pay for Men and Women: Strengthening the Acts: Formal Proposals. Equal Opportunities Commission. Available free from the Publicity Section, EOC, Overseas House, Quay Street, Manchester M3 3HN.

The Promotion of the Arts in Britain (offprinted from *Britain 1991: An Official Handbook).* COI, No 19/90.

A Countryside for Sport: Towards a Policy for Sport and Recreation in the Countryside: A Consultation. Sports Council. Available free from the Council, 16 Upper Woburn Place, London WC1H 0QP.

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